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THE IMPACT OF INSTITUTIONAL DEVICES ON  
INTRA-PARTY DEMOCRACY: THEORETICAL REFLECTIONS  
AND THE CASE OF THE GERMAN PARTY LAW

BY



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## ABSTRACT

The three major parts of this study deal with the complex of intra-party democracy, but from different perspectives. The first section reviews the theoretical discussion in the literature, establishes my own basic values of general democracy, and proceeds from this to develop a concept of "responsive political parties". In the comparative second part I try to relate institutional factors to party structure and intra-party democracy in particular, in a search for possibilities of changing the present party structure toward more responsiveness. The final part examines the case of the German party law of 1967 in detail; this examination is based on systematic comparisons of the party statutes and on interviews with leading party politicians. The study concludes with a somewhat positive evaluation of this party law, which to some extent institutionalized formal democratic procedures and secured the legal position of the individual party member.





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## INTRODUCTION

Intra-party democracy, like other subjects of political science, may be studied in three ways: theoretically, comparatively, and by case study. Each way has its advantages and its own importance, since the results of none can be substituted by those of the others. At the same time, however, each of the three orientations of research has its own shortcomings, if it is considered in isolation. A neatly constructed theory may not be workable in comparative research: and small case studies may be irrelevant without being put into a theoretical framework.

It may sound like overconfidence to assert that this present study tries to incorporate all three research methods. As a matter of fact it has been the complexity of the subject rather than overconfidence that called for a comprehensive treatment. The starting point of this project has been my interest in the question: how is intra-party democracy to be increased? Or, put it another way, is Michels' "iron law of oligarchy" inevitable? I chose to focus my attention on institutional factors influencing party structure and, through this, intra-party democracy: first because I had to make some selection out of the universe of socio-economic, behavioral, and all the other factors; secondly because institutions can be studied with smaller resources in time and money than behavioral factors; and finally, because institutional factors promise a potential for greater manipulation and better controls--at least in the short run--than other factors. But this has to be discussed later.

The influence of institutional factors on intra-party democracy suggested a comparative study, since the impact of institutions differs between nation-states, i.e. between different constitutional/institutional environments, more than within states, disregarding the few cases of



actually operating federalism. The second part of this study grew out of this consideration. A number of institutional factors is investigated in order to find effects on the party structure and on intra-party democracy. They range from such general institutions as parliamentarism to such specific devices as the regulation of party finance. But during the work on the project this comparative part was placed between two greater and maybe more relevant sections, and this for two reasons. First of all, the theoretical framework demanded more than a general introduction. The problems involved especially in the recent discussion of intra-party democracy turned out to be so controversial that an argumentation ab ovo seemed to be necessary. Thus, the first theoretical part develops my concept of intra-party democracy by going back to basic normative assumptions, to build up the argument for that which I call "responsive political parties" against other theories considering intra-party democracy as non-essential to democracy in general.

The second reason why the comparative part lost saliency in the outline of the study, lies in very nature of this method. For, stated generally, as my limited resources demanded, the expected results could be nothing but general. So, the comparative part became not much more than an illustrative discussion of hypotheses and propositions found in earlier research; nevertheless, the matter not having been undertaken before in this fashion. In order to test the concept of responsive political parties more specifically, the German party law of 1967 was examined in detail; this examination constitutes the third part of this study. In some ways it is the study of a deviant case, since such a law does not exist in any other of the developed constitutional democracies. This makes the results





uncomparable, but obviously no less interesting: interesting--and I hope strongly so--not only for the study of German politics, but of concern for the further development of responsive political parties in general.



## PART ONE: THEORETICAL CONSIDERATIONS

### ON INTRA-PARTY DEMOCRACY

#### I. THE SECOND CRISIS OF PARTICIPATION

Political science of the last two decades developed a kind of division of labor and specialization which is typical for a science marked by a high degree of professionalization.<sup>1</sup> This is especially true for the United States, where it took place under the dominant behavioral approach. Among others, there has been established a distinction between "empirical theory" and "normative theory". The first tries to further the general knowledge about political behavior and the functioning of political systems by accumulating results of numerous case studies and comparative research. Apart from this supposedly neutral literature "normative theory" was put into another corner of the discipline leaving to it the arm-chair thinking on moral values and responsibilities in politics and political science.

Such a sharp distinction did not develop in other European countries. In German social science, for instance, the permanent dispute between "dialectic theorists" of the Frankfurter Schule and "critical-rationalists" inspired by Popper made the discussion of values a day-to-day business.<sup>2</sup> But in recent years there has been a growing readiness in the United States, too, to overcome or at least to question this polarization. The alternative proposed by Christian Bay is "to insist on the need for a political theory that deals with basic human needs."<sup>3</sup> This demands first, that the normative basis and implications of theories have to be made clear, since it is claimed allegedly objective, pure science using the behavioral approach does inevitably show a conservative bias. On the side of the critics Peter Bachrach defended the "classical" concept of





democracy, insisting upon the (potential) political participation of all, against a new "realistic" concept, which conforms more to empirical findings on widespread political apathy in still functioning and "stable" democratic systems.<sup>4</sup> Another much more influential scholar, David Easton, demanded recently a "post-behavioral political science" devoting itself to the burning political problems of today, taking responsibility for applied research, and putting general theory building and model construction in second place.<sup>5</sup>

In this piece of research I will try to follow the suggestions of all three of the last mentioned authors. I agree very much with Easton's call for more responsibility on the side of political scientists. But responsibility for what? Responsibility for the balanced, stable, smooth-running system of the status quo? Or responsibility for change, openness equality, i.e. for the realization of the classical democratic ideals? Applied science according to the last sense becomes engaged science. It differs from traditional science in that it is primarily problem-oriented, and only secondarily theoretically or methodologically oriented. It is very obvious that values, i.e. the specific form of taking responsibility, cannot be dictated by any authority. But a basic agreement seems to be reasonable. This is Bay's call for devoting the efforts of political science research to basic human needs. The trouble starts again by asking, what are basic human needs? Is democratic government a human need? If so, what kind of democratic government? Peter Bachrach touched these questions by criticizing the elitist version of democratic theory. His critique of democratic concepts has to be translated into broader research.

If one opts for an open, participatory concept of democracy, one has to find a starting point for its realization. Where is one to begin?



What presents itself as a salient section of the society with a real chance for change? I have taken political parties as my research field, and my concern is how institutional factors can influence change. This concentration on parties is not compulsory, when one is interested in potential for democratization. But it is also not random; several theoretical and practical research reasons support it.

The central importance of the political parties in Western democracies--as well as in other systems--is obvious. They therefore present themselves as sources for potential change. According to LaPalombara and Weiner the development of political parties has been importantly influenced by three crises in the development of states: the crises of legitimacy, integration, and participation.<sup>6</sup> The attainment of universal suffrage solved the crisis of participation. Most of the literature on participation concerned itself mainly with turn-out figures.<sup>7</sup> But the main advantage of this limited concept of participation is its handiness; it is the most easily operationally definable and is most simply empirically demonstrable. But participation means more than turn-out. At the end of the sixties it appeared that a second crisis of participation had occurred in the Western democracies, a crisis demanding more than universal suffrage. It is particularly the student, youth, civil rights, and anti-racist movements, which play the greatest part in this new struggle for more participation. These movements used to exist either outside or against the established parties, but because of polarization of the parties they have integrated their problems increasingly with the parties, using mainly the youth organizations as platforms of their demands, as for example the experience in the Federal Republic shows. If it becomes apparent that the strategy of pressure within the





party<sup>8</sup> can be effective, then the movement toward the second stage of participation will concern itself more with democracy within the parties and with its possibilities. I hope that this study will contribute something to this movement.

The question is, how can changes in the direction of greater democratization in this given area of the political parties be possible? It is obvious that a very large area is unthinkable, since every factor that in some manner can influence the structure of the parties, also belongs to the potential for change. The institutional factor is only one amongst many, for instance socio-economic and behavioral factors--factors with which recent research has been much more concerned. It would be wrong, however, to neglect institutional factors. As formal rules of the game they belong to the central core of every political system or subsystem. The fact--not to be exaggerated--that institutional devices can be manipulated relatively easily represents an important advantage over socio-economic or behavioral factors. There was a time when one was very optimistic about the effect of institutional factors. However, this optimism has recently been confronted by the pessimism of the behaviorists who doubt whether one can change anything at all through institutions. I think that a compromise must be found, which researches and uses the potentials for change the institutions can offer, and which makes use of the methodological advances of behaviorism.



## II. DEVELOPMENTS IN THE CONCERN FOR RESPONSIVENESS

About twenty years ago a number of American students of political parties made a great effort to reform the two American parties demanding constitutional, institutional, and attitudinal changes.<sup>9</sup> They focused on the "responsibility" of political parties calling for external and internal accountability<sup>10</sup> as a remedy for certain defects in the American parties they encountered. The lack of external responsibility was to be overcome by clear-cut alternatives and binding programs to make the choice of the voters more meaningful; the internal defects by promoting intra-party democracy to encourage participation of the party members and activists.

Although the recommendations of the Committee on Political Parties of the American Political Science Association met widespread criticism among other American students of political parties,<sup>11</sup> questioning both the diagnosis and the therapy, I do not think that this effort wasted time that might have been better invested in more scientific research, nor that the problems touched on in the Report were uninteresting to students of political parties and had been better left to normative philosophers to think about, and to practical politicians to realize. Nor am I convinced that the problems have been solved by the research efforts of the past twenty years. Since the first concern of the Committee, external responsibility, is a somewhat unique problem of the loosely organized American parties, the emphasis of this study will be on the more general second problem, intra-party democracy, or--to use a related word--responsiveness of political parties.

However, I do not just use the word "responsiveness" instead of intra-party democracy because of the pleasant play on words with respon-





sibility, but also because in my opinion I can express myself more concretely in this way. It is not a question of building miniature formal democratic institutions within every complex organization. Responsiveness means more than the institutional characteristics of organizations, more than the possibility to be represented through delegates, or to choose between two competing elites. Rather, responsiveness is directed towards a general and basic structure of openness, clearness, feed-back, and two-way channels of communication. A more exact definition of democracy in complex organizations will be given below.

At this point it is useful to recall how the concepts of internal party democracy have been discussed previously. One cannot, of course, avoid referring first to the two classics of the party literature, Moisei Ostrogorski and Robert Michels.<sup>12</sup> These first generalizing researchers into parties differed, very greatly in many respects. First, in the subjects studied, which in Michels' case was the, at the time, largest and strongest structured German labor party, the SPD, in Ostrogorski's, the boss-and-machine-dominated American parties; and secondly in their methods, where Michels succeeded better in achieving the high scientific ambitions claimed by both writers.<sup>13</sup> Finally both differed radically in their normative premises, i.e. in their use of the concept of democracy.<sup>14</sup> Whereas Ostrogorski, basing himself on a concept of liberal parliamentarism, sees representative democracy threatened by the growth of extra-parliamentary party organizations and in consequence demands the abolition of party organization as such, Michels thought in terms of a radical democratic Rousseauesque concept of direct democracy with an anarcho-syndicalist slant<sup>15</sup> and criticized the oligarchic leadership structure of movements



like the German Social Democrats, which claimed to be emancipators of the masses.<sup>16</sup>

In spite of all these differences there is one point in common, which is very important for this discussion. Both understood the sociology of parties as a diagnosis of crisis.<sup>17</sup> It was a critical and practical political engagement which gave power to both works. This consciousness of crisis drove them to analyze and to make use of, for the political and scientific public, developments which from their strongly held normative assumptions they saw as dangerous. Their attempt to harmonize political engagement and empirical research was certainly not very successful and could not be, particularly in view of their empirical methods,<sup>18</sup> but has not been surpassed in the party literature since. Since then either the empirical interest triumphed, as with Eldersveld's behavioral approach, or more rarely the political engagement, as with the report of the Committee on Political Parties.

The debate, between the two World Wars, on engagement in party research, which has only recently been taken up again, is often neglected today.<sup>19</sup> The Weimar SPD had sharp debates on organization and internal party democracy at the beginning of the thirties. The argument reflected two wings of opinion inside of the SPD of that time.<sup>20</sup> On the one side, Alexander Schiffrin, who belonged to the middle group, repudiated Michels' attacks on oligarchy in the SPD particularly strongly. He argued against Michels' thesis that the mere existence of a party apparatus as such must have oligarchic tendencies, and he held that the apparatus of the SPD was far too big to constitute the rule of a few.<sup>21</sup> More important than these rather apologetic arguments are the positive criteria which



Schiffrin cites as conditions for intra-party democracy: (1) freedom of opinion and expression as a protection for the different wings and factions within the party; (2) strong autonomy particularly of the local organizations, to develop the political consciousness of the members; and (3) a democratic party constitution to guarantee both.<sup>22</sup>

Whereas Schiffrin saw these three conditions basically as already given in the SPD of the time, the other side, especially the authors of the book Organisation im Klassenkampf, who belonging to the left wing of the party,<sup>23</sup> disputed it strongly. In particular they accused the party organization of having de-politicized the mass of the party functionaries, and thus of having led to the acceptance without criticism of the reformist policies of the party leadership.<sup>24</sup> Quite apart from this, both sides were basically convinced not only that responsive political parties are necessary in a democracy, but also that they are in the long term achievable. In this respect they both differed from Michels, who doubted the latter, as well as from the greatest part of the modern party research, which questions the former.

Political or democratic engagement has not been the main characteristic of party research after World War II. Although the ambitious work of Maurice Duverger uses more material and formulates more hypotheses than any other book on political parties, it lacks completely--to say nothing about the methodological problems and deficiencies--<sup>25</sup> a discussion of the concept of democracy and the place intra-party democracy occupies in it. He keeps to the fatalist commonplace: "all government is oligarchic."<sup>26</sup> In this respect the book of Ranney and Kendall on the American party systems is an exception among most other works on this subject,





because they develop their own concept of democracy at full length in their first part, to compare the reality of the American parties with it in the concluding section.<sup>27</sup> But it seems to me that their concept is too much focussed on majority rule, which makes the application to the intra-party structure problematic. The studies of Valen and Katz on the Norwegian party system and of Samuel Barnes of the Italian Socialist Party<sup>28</sup> also concern themselves more than usual with problems of internal democracy within parties. I will refer to them repeatedly below. The generally low concern with problems of the theoretical position of intra-party democracy calls for a comprehensive discussion which I will try to give in the following sections.



### III. BASIC ASSUMPTIONS

Since so much is disputed in the area of party democracy, I will attempt to take nothing for granted. I will try to make explicit as much as possible the premises involved in this study; a comprehensiveness of all underlying norms and assumptions, which is lacking in many other projects, will be attempted. Concerning the premises of this study I start with the nearest at hand in party research. I make the assumption, that political parties are focal institutions in almost all developed political systems. This statement is discussed in some detail, since it is not as obvious as it looks. I then proceed to the assumption that present political parties are not characterized by a high standard of intra-party democracy. This is followed by the premise that intra-party democracy is helpful--in fact necessary--for democracy in general.

On the plausibility of these statements rests the relevance of this whole project. But the last assumption particularly, involves a number of questions, which make it necessary to discuss the general concept of democracy underlying my considerations, and the consequences of other conceptual orientations. Although these questions touch the general normative orientation, I start the argument with the more specific working assumptions related to this piece of party research, for the discussion of these leads inevitably to the basic norms. This kind of presentation shows more conclusively the interdependence of specific and general premises.

#### 1. Political Parties Are Focal Institutions

Students of political parties do not normally question the assumption that these institutions play an extremely important part in every





developed political system, since doubts into the central position of parties would tend to make their research efforts irrelevant. But this notion is not as undisputed as a look at the huge amount of party literature suggests.<sup>29</sup> Not only a traditional marxist point of view--seeing in a (bourgeois) allocation within the society--but also authors oriented toward the "new criticism" question the phrase of the modern party state. Thus, in Herbert Marcuse's "One-Dimensional Man" political parties play so marginal a role in these "Studien zur Ideologie der fortgeschrittenen Industriegesellschaft" that they are not even mentioned in the index.<sup>30</sup> Such a viewpoint seems to be quite common, too, in the younger generation of German political scientists. To begin with, Krippendorff made his still liberal prognosis of "the end of the party state",<sup>31</sup> which has then been translated much more radically into Agnoli's critique of parliamentarism and party state in general.<sup>32</sup> His intelligent formulations have influenced the less original arguments of many others. In this connection it seems to be symptomatic that in a collection of articles recently published by several young German political scientists, none of the twelve contributions is specifically concerned with political parties, though the volume is entitled Der CDU-Staat.<sup>33</sup> Therefore, a discussion of the position of political parties and of their saliency as a potential for change seems to me justified.

Proceeding on the assumption that "man is not unless he is social",<sup>34</sup> I agree with Etzioni that "all societies are combinations of collectivities and sub-collectivities".<sup>35</sup> It seems to be possible to divide all social or societal, as Etzioni puts it, collectivities, cum grano salis, into three groups: (1) primary collectivities, which involve all face-to-face groups, i.e. primarily the family, but also other socializing and personal



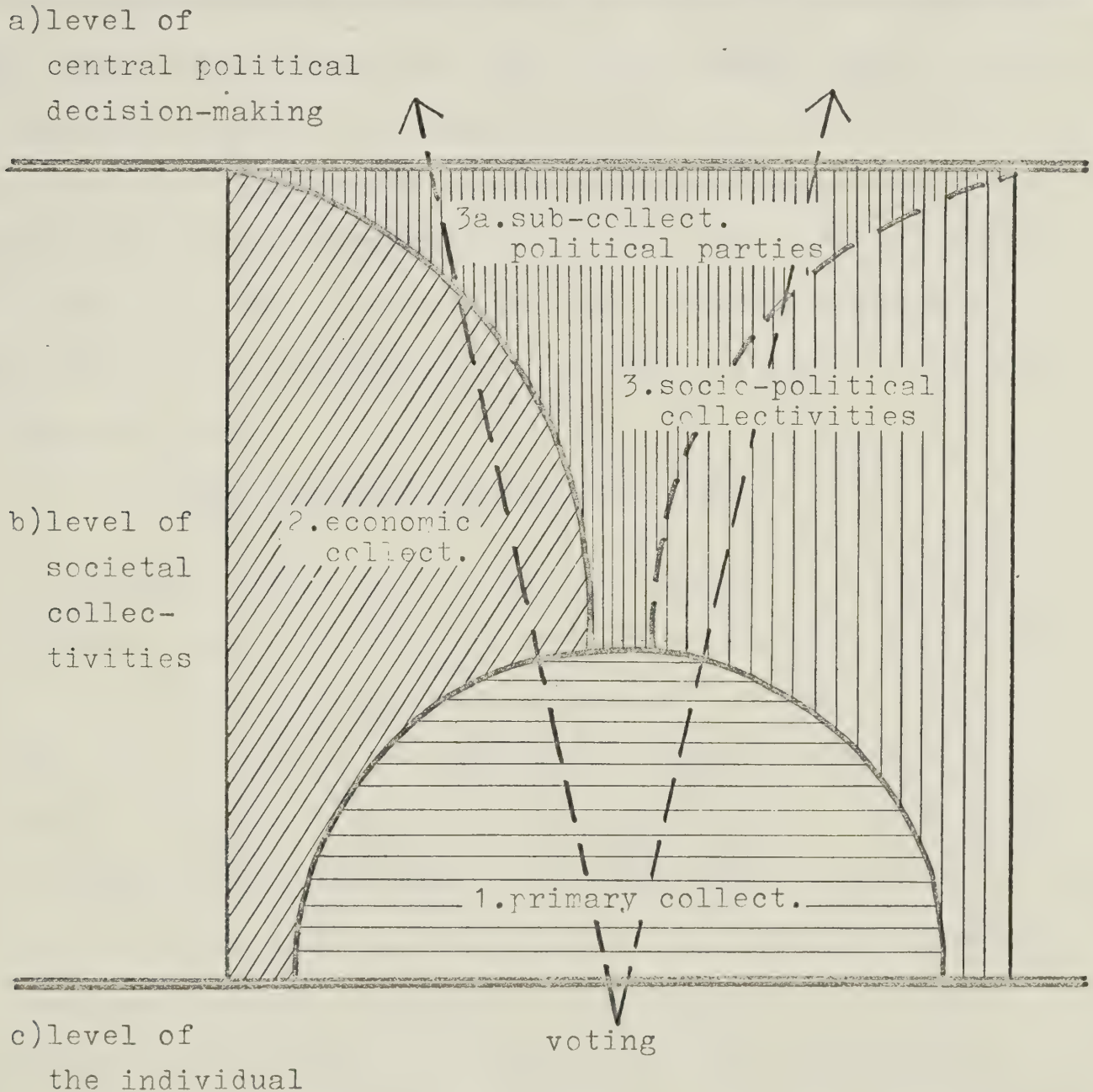
nearby-groups, for instance at school and at the place of work; (2) economic collectivities satisfying material needs and interests, with broader working units in industry, bureaucracy or wherever, together with their interest organizations, i.e. unions and business associations; and (3) socio-political collectivities with political parties as the most important sub-collectivity, but also other "ideological interest groups" like churches, and broad voluntary associations. In figure 1, I have attempted to bring these collectivities into relation to the point I want to make on the focal position of political parties.

It is obvious that the position of the collectivities and sub-collectivities is different in face of the process of political decision-making. It is not only different, but multi-dimensional, too, which makes its schematic presentation difficult. Besides the "nearness" to the center of political decision-making, the "strongness" of this influence seems to be important; important is also, whether it is executed directly or indirectly, and finally, whether it is a permanent or a periodic influence. Strong, direct, nearby, and permanent would be the closest connection of a social collectivity to the decision-making center. A number of different varieties is thinkable, down to the least effective one, low, indirect, distant, and periodic.

Three vertical levels are indicated in figure 1: at the bottom, that of the individual sphere, at the top the level of central political decision-making, with the societal collectivities, which have been distinguished above, in between. The political parties dominate without question in the direct and permanent influence upon political decision-making. The other collectivities are not directly connected with the



Figure 1: Relation of Societal Collectivites to the Center of Political Decision-Making and to the Level of the Individual.







decision-making center like the political parties, but their influence may nevertheless be strong by indirect channels. In industrial societies this is especially true for the economic collectivities. Their permanent, though indirect, influence on political decisions through the political parties cannot be neglected. This may go so far that the parties are docile vehicles of vested economic interests. Not only Neo-Marxists would place a strong emphasis on this point of view. They are obviously right in many cases, but this does not justify a complete neglect of the political parties. Political parties do play the first part--externally controlled or not--in the direct influence upon the political decision-making center, and that makes them the focal institutions in all political systems. At the same time they represent an effective lever applicable for democratization, but this is a question which will be discussed later.

## 2. Political Parties Lack Internal Democracy.

The assertion that political parties lack internal democracy may be taken as a hypothesis subject to empirical verification. The reason that I take it as a working assumption instead of a research hypothesis is that I am convinced of its obviousness. I should like to make this proposition plausible by a short review of the literature on the subject. This review will show immediately that the question of the existence of internal party democracy depends first of all on the concepts and criteria used. Michels, who applied the high standards of a radical democratic concept, judged the pre-World War I SPD as extremely undemocratic and oligarchic, whereas Schiffrin rejected this judgment on



the grounds that the rule of an apparatus as large as the SPD could never be labeled oligarchic and thus undemocratic, since there were just too many involved. Eldersveld who, since Michels, most intensively concerned himself with intra-party structure, also repudiated his thesis: "It is our position . . . that the theory of elite control of the organization, which the oligarchic model assumes, is empirically incorrect."<sup>36</sup> However, it is rather questionable if his newly coined term of a "stratarchical" instead of an "oligarchic" structure, does not mean the same in essence. Although according to Eldersveld a "stratarchy" is marked by "the involvement of large numbers of people in group decision-making, and, thus, the diffusion and profiliation of control throughout the structure,"<sup>37</sup> his analysis obviously shows more characteristics of an oligarchy modified by stratification, than of a stratified intra-party democracy suggested by his term stratarchy. The "stratarchy" is rather the matter of a limited autonomy of the apexes of different "echelons", i.e. the precinct committeemen, district leaders, and county officials, than a "diffusion of control throughout the structure."<sup>38</sup> Thus, Eldersveld's analysis obviously does not indicate the existence of intra-party democracy. His concept of stratarchy is merely another form of oligarchy. However, the American parties he deals with raise a number of questions concerning the applicability of concepts of intra-party democracy at all, which will be considered later on.

On the other hand, European political parties claim much more to be democratically structured in their formal organizations, particularly the labor parties. Is it nevertheless justified to propose as I do,



that in general these political parties are not characterized by a high standard of intra-party democracy? It is very obvious that there are great differences concerning the structure of the parties, as well as the criteria the literature uses. It is my thesis that the differences in the latter are responsible for the few positive accounts. One of these positive judgments is reached by Valen and Katz in their study of the Norwegian parties in the Stavanger area.<sup>39</sup> But the criteria on which their positive account is based, are on the whole also fulfilled by the German parties, for instance, while most students of German parties point out the predominance of undemocratic structures.<sup>40</sup> Another negative example is provided by Samuel Barnes' study of the Italian Socialist Federation of the province Arezzo, in which he sees the main barrier to effective, communicative internal party democracy in the low education of the mass of the members.<sup>41</sup> McKenzie not only finds a marked dominance of the leadership in the British political parties, but he also confirms "the importance of leadership in the political process".<sup>42</sup>

This short and incomplete review of party literature does not intend to decide what is more responsible for the variation in the results, the facts or the different criteria. But this is not what matters here, since it was not my intention to verify a hypothesis empirically. Rather the statement of the lack of internal democracy in political parties was to be justified as a research assumption. Based on examples from several countries this assumption seems to be reasonable. But a number of questions remain. First of all, different accounts may be due to different criteria and concepts used. Therefore, the underlying concepts have to be examined. Secondly, McKenzie's phrase of the importance of leadership questions the import of intra-party democracy





at all. This point is put first, since its consequences lead inevitably to the underlying basic norms.

### 3. Intra-Party Democracy is Essential.

There are quite divergent opinions in the literature on this point, including agreement, indifference and objection. The need for intra-party democracy is not only emphasized by Michels and Ostrogorski, who both see in party oligarchies a thread of democracy--or of the achievement of democracy as in Michels' environment, Imperial Germany. Authors of the early "party responsibility school" reflect similar thoughts in the United States at the turn of the century. This is especially true for Frank J. Goodnow, when he demands that "democracy b e t w e e n parties can come only as a result of democracy w i t h i n parties."<sup>43</sup> A corresponding stand is taken in the report of the Committee on Political Parties of the American Political Science Association, continuing the tradition of the responsibility school. But in their hierarchy of goals, which have to be achieved by a reformed party system, responsibility comes first and internal party democracy serves only as one of the major means to obtain it. The remaining party literature in the U.S., however, puts much less emphasis on the importance of intra-party democracy. The situation in Europe is the opposite, where, especially in the Federal Republic, authors like Abendroth, Flechtheim, and Sontheimer, and in France Georges Lavau,<sup>44</sup> have always pointed to the interdependence of intra-party and general ("gesamtstaatlicher") democracy.

But to clear the positions the counterthesis is to be presented first. The most obvious opposition to the above quoted proposition



of Goodnow is formulated by E. E. Schattschneider, otherwise also an advocate of responsible parties: "democracy is not to be found in parties but between the parties." He asserts this thesis, because he is convinced that "no one has ever attempted to find out whether democratization, if it were possible, would be appropriate to the legitimate functions of the parties."<sup>45</sup> Since the primary function of the parties is to win elections, intra-party debates on goals or methods undermine party unity and serve, thus, to the benefit of the competing parties only. The same argument played a prominent part in Michels' theory, when he argues for the inevitability of strong leadership in political parties. He holds that political parties are fighting organizations, and "a fighting party needs a hierarchical structure." For he believes with Lasalle: "The rank and file, he said, must follow their chief blindly, and the whole organization must be like a hammer in the hands of its president."<sup>45a</sup> More recently, Zeuner confirms that this is still the main argument of party leaders against voices raised by the rank and file which call for more participation in decision-making. Since Michels' times, according to Zeuner, several other arguments against the appropriateness of intra-party democracy can be added: (1) politics are so much specialized that experts only can make decisions; (2) the mass media, television in particular, demand that single charismatic party leaders are placed into the foreground; (3) intra-party differences and conflicts are extremely unpopular in public opinion; (4) the politically interested individual member has to manage now rather too much information, which exceeds his capabilities.<sup>45b</sup>



In the scientific discussion, however, one rarely finds such a clear refusal of the idea of intra-party democracy as given by Schattschneider and Michels. More commonly the author's opinion has to be inferred; from Ranney and Kendall for instance in their criticism of the demands of the Committee for more "intra-party democracy", which term figures in their book only in quotation marks.<sup>46</sup> Burns and McKenzie place their belief in the "importance of leadership"<sup>47</sup> and in a "responsible, committed, effective, and exuberant leadership"<sup>48</sup> so marked in emphasis, that the latter reaches the curious conclusion: "the cure for democracy is leadership."<sup>49</sup> Duverger does not go beyond Michels, when he states the "general tendency" that the leaders tend "naturally" to retain power, and the members "even strengthen it by hero-worshipping the leaders."<sup>50</sup> Organized in a democratic fashion, "a party is not well armed for the struggles of politics"; the more democratic character of some parties, contradicting this practical knowledge, is simply explained by the fact "that they are created before more authoritarian methods of organization were perfected."<sup>51</sup> V. O. Key expresses similar fatalism toward the inevitability of the dominance of leadership in parties, for any "change in the system of making nominations does not eliminate the function of the organized majority in leading party opinion."<sup>52</sup> So does Avery Leiserson who sees the most important function of political parties in "competitive leadership-recruitment".<sup>53</sup> Finally Frank Sorauf has nothing but incomprehension for the demand for more democracy in the American parties, "for, who are the participating members?"<sup>54</sup> This is answered by Epstein--meaning not only American parties: "for electoral purposes, which are of prime importance, a





cadre organization suffices."<sup>55</sup> Thus, "running an internally democratic [i.e. political] club is a diverting luxury,"<sup>56</sup> as James Wilson summarizes his study of American party activists.

This collection of statements of otherwise strongly diverging party researchers hangs together, in that none of them expresses a high rating of the necessity of intra-party democracy. The discrepancy from the first group holding the opposite opinion is very obvious. But what is the reason for these remarkable differences in the rating of intra-party democracy? At first glance, it becomes evident that there are different functions assigned to the parties, or, to put it more concretely, different priorities of functions with different emphasis. But this is obviously not a complete explanation, for why do the different priorities occur? It can partly be explained by different roles assigned to the citizen, the voter, in the political process. Thus the underlying concept of general democracy appears clearly as the basic discriminating criterion.

Some critical readers would ask further for the reasons for different concepts of democracy, which is, however, in this connection, not essential for my argumentation. It depends to a great extent on the author's methodological and philosophical orientation in the theory of science, whether a more empirical, operational, behaviorist positivism is accentuated, or whether responsibility and problem orientation rank before theoretical and methodological concerns. Herewith the last link of the chain is reached, since the conceptual scientific orientation is last, but not least, a consequence of personal position and interest. In this, such otherwise different authors as Herbert Marcuse<sup>57</sup> and



David Easton agree, when the latter says: "typically political science has tended toward an uncritical acceptance of basic political arrangements as they are. In the United States political scientists have traditionally been socialized in the discipline with a benign set of attitudes toward the existing regime."<sup>58</sup>



#### IV. CONCEPTUAL PROBLEMS

There are obviously many democratic theories,<sup>59</sup> and this results in a certain "democratic confusion".<sup>60</sup> This is not the place to continue this discussion, and thus to increase the confusion; but it is my task to show why intra-party democracy serves as a conditio sine qua non in one theory, whereas it is not essential, or maybe even dysfunctional or dangerous, in another.

##### 1. Different Concepts of Democracy

Although particularly in recent years the contrary concepts have been discussed vehemently,<sup>61</sup> the controversy is far from being new. Therefore two older quotations should illustrate the opposition in principle. On the one side, John Dewey holds:<sup>62</sup>

The idea of democracy is a wider and fuller idea than can be exemplified in the state of event at its best. To be realized it must reflect all modes of human association, the family, the school, industry, religion."

On the other side Ernest Barker declares:<sup>63</sup>

Democracy does not mean the well-being or prosperity of the people, but a method of the g o v e r n m e n t of the people.

Dewey's conviction that democracy is a universal concept of human relations that it is more a way of life than a certain form of government, has again deeper roots. It goes back to Rousseau and is also advocated by John Stuart Mill, not to speak of the Marxian imagination of an individual entirely free of external control in the communist state. All these theorists have in common that they understand democracy as a process, which aims at the continual--in Marx' case at the radical--extension of that group of people who participate in the process of





decision-making. This concept is consciously normatively based; it regards discrepancies from reality as a stimulus for change, not as given fact. From all that has been said in this study so far, there is no doubt that I identify myself with this latter concept of democracy as a basic human need, which may be termed the "classical" or, more recently, the "radical" theory of democracy. In figure 2 some

Figure 2: Differences in Two Theories of Democracy Leading to Different Ratings of Intra-Party Democracy.

Criteria	"Classical" Theory	"Realistic" Theory
societal range	universal: democracy as a way of life	restricted: democracy as a form of government
conceptualization	process	method
theory formation	normative/ ethical based	descriptive/ explanatory
decision-making	permanent extension of participation	competition of elective elites
intra-party democracy	essential and functional	non-essential and/ or dysfunctional

characteristics of this concept are confronted by another conceptual orientation, which is sometimes referred to as the modern "realistic" theory of democracy,<sup>64</sup> the "method theory of democracy",<sup>65</sup> or the "theory of democratic elitism".<sup>66</sup>

The idea presented above in Ernest Barker's formulation was particularly systematized by Joseph Schumpeter and became thereafter very influential in postwar empirical democratic theory, especially in the



United States. Schumpeter holds in one of his handy and much quoted formulations:<sup>67</sup>

The democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote.

In this context democracy is not understood as a permanent social process, rather as a political method, which once established has only to be secured in its stability and balanced equilibrium. This theory has reconciled itself with ruling elites, if there are at least two of them competing for votes in free elections. As in liberal economics the choice between alternatives has been presented, by A. Downs in particular, as a guarantee of the just (democratic) functioning of the system, since each competitor would be forced to offer the best (political) service or product of the (voting) consumer.<sup>68</sup> In election and participation studies of the fifties, similar arguments have been used to harmonize the empirically encountered lack of political activity and interest, which contradicted classical democratic ideals, with a new theory of democracy.<sup>69</sup> Thus, the modern "realistic" theory was established in contradistinction to the allegedly utopian, idealistic older concept.

As a matter of fact, empirical studies show abundantly that the individual citizen exhibits among all social activities the greatest reservations against organized political participation. However, an empirical finding is not appropriate to falsify a normatively based concept. Moreover such a discrepancy, if found, would serve as a challenge for a close investigation of the factors involved, in order to search for possibilities of change.



## 2. The Political Role of the Individual

The empirical theory of democracy when investigating the political activity of the citizen, concerns itself primarily with elections and voting turnout. In the light of the classical concept of democracy this view is too restricted, as can be explained by referring to the presentation given in figure 1. It is very obvious that the primary collectivities are next to the individual and his social and emotional needs; he is also strongly involved, partly with primary groups, in the economic sector and in some other social collectivities. But although the political parties nearly monopolize the direct political decision-making, the membership numbers of these organizations, which in most cases allow open and unrestricted admission, are surprisingly low.<sup>70</sup> Thus a direct connection between the level of the individual and that of central political decision-making exists only through the voting act. But no matter how general, free, equal, direct, and secret elections in Western democracies may be, there is no choice but to approve a given governing elite or to replace it by an also given opposition party, and this only periodically every four or five years. If an efficient intra-party and intra-organizational control is lacking, the political and economic elites dominate the political decision-making in the time between elections not only directly (or indirectly as do the economic elites), but they also present themselves to the voters on election day as an oligopoly of two, or slightly more, possible alternatives. Therefore, elections alone are only rudimentary acts of democratic participation.





This is not to suggest that the voting individual decides in complete isolation, when he marks the ballot. Elections are obviously "collective decisions";<sup>71</sup> and particularly the American voting studies widened immensely our knowledge about the network of factors which play a part in the voting decision of the individual. But this research has shown at the same time, that the single most salient variable is provided by the socio-economic and denominational background, thus primarily the tradition, in which the voter is socialized. This makes elections, first of all, an expression of the voters' place in his primary collectivities, which are most distant to the political level. As roughly indicated in figure 1, only central characteristics of the parties enter the voter's decision in its genuine political aspects, like images of national candidates or core issues. Democracy conceptualized as basic human need, demands closer connections and more communication between the two levels, for instance by a widening of the still small base of the parties in the population to increase the possibilities for organized political participation.

Some advocates of a "realistic" theory of democracy often warn against the danger of an "excessive participation" of people in politics. Excessive participation may become dysfunctional by affecting the system balance, for "it is a fact that high participation is not required for successful democracy".<sup>72</sup> It is very obvious that this assertion is either a logical error, or, if one wants, logically misleading. For it is a fact that only some systems Milbrath labels democratic are successful, i.e. relatively stable under a formal democratic constitution. It remains open if the systems in question can rightly claim the name democratic. Nevertheless it is interesting to ask what is behind



the warnings against excessive participation. In this connection the stereotyped example of the end of the Weimar Republic appears, where the sudden increase in turnout supposedly sealed its fate. Tingsten has been the first to defend this thesis:<sup>73</sup>

An exceptionally high voting frequency may indicate an intensification of political controversy which may involve a danger to the democratic system. The enormous election figures in Austria 1923-1930 and in Germany 1930-1933 were symptoms of a political tension heightened in the extreme, and foreshadowed the fall of the democratic regimes.

But it is indisputable that the Weimar Republic was ruined by many causes, however least of all by too much participation.<sup>74</sup> In the Federal Republic of today turnout is even higher than in the early thirties and changed drastically by the same margin of 8 percent between 1949 and 1953. The generally higher turnout figures in the United States of the last century also do not show greater susceptibility of the system of that time to crises compared with today.<sup>75</sup> Thus, turnout figures are only symptoms, which may indicate quite different state of affairs.

The concept of political participation, as it is understood here, means more than voting. It insists upon an "active orientation"<sup>76</sup> in the political role of the individual. The active participation is subject to a number of conditions. For its realization the individual has to have not only the motivation, but also the possibility to realize the following conditions: (1) pre-requisites for an active orientation are political engagement, commitment, and consciousness, instead of only "personal desire for the income, prestige, and power which come from holding office"<sup>77</sup>, as the basic drive is seen in the economic theory of democracy; (2) open channels of communication to attain, digest,



and transmit information; (3) communication is a pre-requisite of activity with and within societal and political collectivities. These conditions taken together require a permanent extension of participation in decision-making in all sectors and at all levels of the society.

Such a long-range goal cannot be reached at once nor in the society as a whole. Some sections resist democratization more strongly than other organizations. Apart from this organizations differ in their saliency to the society. The political parties combine a relatively high saliency by their central position in the political process, as we have shown above, with comparatively little means of defense against democratizing tendencies--at least compared with the economic sector. Almost all parties in Western democracies support at least verbally the idea of intra-party democracy, since no party likes to be openly referred to as undemocratic.

Therefore the political parties have to be examined to see to what extent possibilities are given within and by them, to develop participatory democracy in the sense just outlined. For though motivation for greater participation represents the basic pre-requisite for democratization, it alone is hardly sufficient for its realization. The institution in question has to be willing to accept it, at least to some extent. Thus democratization of organizations demands two things: on the one hand, the motivation of the members towards more participation, on the other hand a responsiveness of the organization to the demands of the members. The latter is investigated in the following paragraphs.





### 3. Functions of Political Parties

Every recent work on political parties--be the author a "functionalist" or not--lists a number of functions, which are realized by the political parties in the system. There may be three functions as Lipset and Rokkan formulate them--the expressive, instrumental and representative functions<sup>78</sup>--or there may be, in more detail, twice as many, as Chambers, for instance, puts it: Socialization, recruitment, interest articulation, interest aggregation, communication, and rule-making.<sup>79</sup> Thus Chambers orients himself with the influential formulation of Almond and Coleman given in their four general input functions--(1) political socialization and recruitment, (2) interest articulation, (3) interest aggregation, and (4) political communication--extended by the first of their output functions, rule-making.<sup>80</sup> Lee Anderson is obviously right, when he criticizes that in the frequent use of functions "conceptually distinct phenomena are grouped under the common term."<sup>81</sup> But beside this "overgeneralization" (Anderson), there is another point in the present connection, which makes a straightforward enumeration of functions problematic. Valen and Katz have already pointed to an "antithesis of party functions",<sup>82</sup> which they saw in the contra-distinction of "representative versus integrative and compromising functions."<sup>83</sup> This differentiation can be modified, if parties are seen from the perspective of the participating party member. This point of view results in the distinction of such functions, on the one hand, which are promotive, helpful, and thus salient for the political participation of the individuals; and on the other hand those that have a more governmental character by integrating the chaotic will of the masses and thus providing



the organization with means of mediation and control.

In figure 3, I have attempted to relate emancipatory and governmental functions to each other and to components of the active orientation of the individual as they have been outlined in the previous section. The two sets of functions may not be completely exhaustive, and they are certainly not mutually exclusive, since all existing parties stress a different mixture of both. For an emphasis on governmental functions also relies on political communication, though it may be limiting, i.e. restricting feed-back. In each case it depends on which system goal is to be achieved. If the first aim is to safeguard the "democratic method" in the formal make-up of the government, it is a question of stressing the governmental functions, which guarantee stability. This is furthered by a socialization according to existing norms and recruitment by established criteria; it is also promoted by interest aggregation and articulation, i.e. an en bloc combination of groups of the same socio-economic interest to domesticate them through system output in the form of material benefits and ideological identification.

On the other hand, extension of political participation can serve as the primary system goal. Such a goal stresses first of all an educative function, on the part of the political parties, which goes beyond socialization in that it stimulates political consciousness and openness to new learning, and not only political integration into existing norms. This education corresponds to engagement and commitment on the part of the active individual. The same is true for communication, which occupies the central position among the emancipatory functions,



Figure 3: Two Sets of Party Functions Related to Components of the Political Role of the Active Individual.

Components of the political role of the active individual	Emancipatory functions of political parties	Governmental functions of political parties
engagement, commitment	political education	political socialization and recruitment
information by communication	political communication	interest aggregation and articulation
collective activity	stimulating organized political activity	rule-making
emphasizing:	extension of participation in politics	maintenance of stable democratic systems

since it conditions both the educative function just mentioned, and the organizing functions of political parties. Only open channels of communication guarantee information about decisions, and thus are the prerequisites for influencing decisions. Samuel Barnes was the first to incorporate the concept of communication into a major work on party democracy. He says:<sup>84</sup>

The strategic factor in democracy is thus the existence of multiple autonomous channels of communication that tie together and diverse parts of a unit and permit extensive exercise of influence.

Thus, communication has to be multi-channel, as well as autonomous. The emphasis on autonomy of the channels of communication is very important, since without it communication would be open to manipulation and outside control. A communication structured in that manner may be able to





articulate and aggregate interests, but obviously not to develop self-responsible activity. But this is precisely the aim of the third of the emancipatory functions, the stimulation of organized collective activity.

We proceed now to the question of how these emancipatory functions can be made fruitful for a concept of intra-party democracy. This will be done by the term "responsiveness". What, then, constitutes responsive political parties? Which organizational characteristics guarantee or at least further responsiveness? In the discussion on intra-party democracy there have been quite a number of models all claiming to promote the exercise of influence by the members. In the following section, two of the most profiled models will be discussed, to provide a firm basis for the ensuing conceptualization of "responsiveness".



## V. TOWARD A MORE RESPONSIVE POLITICAL PARTY

There are several "emancipatory functions" of political parties, and thus several possibilities of setting up priorities among them. That implies that many ways can be pursued to realize intra-party or, more generally, intra-organizational democracy. If one agrees with the basic assumption, that broad societal collectivities which exhibit a certain power of political decision-making should internally be democratically structured there may nevertheless be great differences of opinion about the specific model according to which intra-organizational democracy is to be attained.

### 1. Two Models of Intra-Organizational Democracy

Frieder Naschold, whose book Organisation und Demokratie is one of the most comprehensive studies of theoretical problems of intra-organizational democracy, lists the remarkable number of five different models: direct intra-organizational democracy, the council model, the model of intra-organizational publicity, democratic centralism, and the intra-organizational party competition.<sup>85</sup> This at first glance somewhat confusing variety is cleared up if we examine it in more detail, without repeating Naschold's comprehensive discussion. All these models have in common that they do not intend to duplicate, on a smaller scale, the structure of the general governmental institutions. For our present purpose it seems to be sufficient to compare the two most profiled models. They are, on the one hand, a radical participatory council model, and on the other hand, a more representative model of intra-organizational two-party competition.



Both models can be related from different perspectives to our concept of responsiveness. Whereas the council model stresses the permanent participation and the multiplicity of communication channels, the model of intra-organizational competition puts more of an emphasis on autonomy of communication. Besides this, both models have not, strictly speaking, grown out of party research, rather, they have been practiced and theoretically developed for "economic collectivities", i.e. workers' movements and, specifically, trade unions. It is not pure chance that the American sociology of organization concerned itself more with unions than with political parties, since in the United States only the former have an exact definition of membership. To this extent, the type of organization of European membership parties is more comparable to American trade unions than to the two major political parties.

On a fictitious continuum of intra-organizational democracy, the council model and the competitive model would occupy the two extremes of ideal and radical on the one side, and of realistic-pragmatic on the other side. Since despite this polarity both touch an interesting aspect of the concept of responsiveness, it seems to be appropriate to discuss the advantages and disadvantages of both.

#### a. The Council Model

The initial idea of the council model, just as the model of the New England town meeting,<sup>86</sup> aspires to the greatest possible identity of voters and elected delegates.<sup>87</sup> This is not only meant in organizational, but also in social terms, since the council model is a social revolutionary idea, as Ertl puts it:<sup>88</sup>

Ziel der Raete muss es sein, die These von Robert Michels, jede Organisation fuehre notwendigerweise zur Oligarchie





und zur Herrschaft der Gewaehlten ueber ihre Waehler, als nur fuer den Kapitalismus gueltig zu erweisen; ihr Ziel muss es sein, die Kluft zwischen Herrschenden und Beherrschten zu schliessen, indem sie alle Herrschaft ueber Menschen aufheben.

This is, however, an ideal which cannot be realized by the institutional provisions of the council model. For the council model is primarily a principle of organization like others and thus necessarily a structured social system, though with more radical claims.

The basis of the organization forms not geographical units as in representative democracy, but small functional units, primary groups, particularly at the place of work. This idea is still alive in the cell organization of communist parties, which have otherwise departed far from the council model and turned to Lenin's theory of democratic centralism. Apart from their social basis the general institutional characteristics which depart from the classical representative model are of general and surviving relevance. The following list of criteria, constituting the council model, is oreinted towards von Oertzen's presentation:<sup>89</sup> (1) the original voters (Urwaehler) themselves make directly the greatest possible number of decisions; their area of competence is as wide as possible: election of all leading positions, instruction of delegates, permanent control and accountability of the elected with a possibility of immediate re-call; (2) there are as few incentives as possible for the elected; extensive social homogeneity of electors and elected, honorary offices; (3) leading positions are as unstructured as possible: rotation of office holders, no division of powers, no division of labor, universal openness, autonomy of decentralized councils.

Several of these conditions considered separately are not as utopian as the claim, which is inherent in the council model, suggests.



Thus, the low incentives for the elected, for instance, are also mentioned by Lipset as an important factor of intra-organizational democracy, as he understands it.<sup>90</sup> It is very obvious that all these criteria have a democratizing potential. But unfortunately the model, applied to a complex organization or even a whole society, raises a number of problems. In its mistrust of division of labor it starts with a false, because simplifying, view of organizational problems. Furthermore, the permanence of debate is very problematical, and the problem of centralization, of the combination of different units is unsolved as is also that of universal openness, transparency, information, and discussion, since democratic responsiveness cannot mean a completely unstructured communication. "Oeffentlichkeit nach Art einer unstrukturierten symmetrischen und simultanen Diskussion fuehrt . . . nicht zur Aufklaerung, sondern zur Konfusion."<sup>91</sup>

#### b. The Model of Two-Party Intra-Organizational Competition

This model avoids consciously, in contradistinction to the council idea, the criticism of being unstructured. The study of Lipset, Trow and Coleman, which established this model, found in the (American) International Typographical Union a departure from the predominating type of American unions, which is ruled by a relatively closed group of leaders, a one-party oligarchy. In the ITU two organized factions, which competed for the leading positions in biennial general elections, were so institutionalized that between 1920 and 1955 five incumbent presidents lost the contest. The factors which Lipset et al. make responsible for the development of this pattern, are very numerous and divergent. More than 30 theoretical theses are collected at the end of



the book.<sup>92</sup> A considerable number of them concern conditions which are unique to the special working conditions of the printers: strong in-group feelings through social isolation in night-shifts, status inconsistency through relatively high pay, much information through newspaper printing, and taken all together, much communication. Although it represents a deviant case compared to the mass of other unions, it is not a utopian one. A number of subsequent studies have shown, that it is not unique.<sup>93</sup>

In the whole ITU study, the underlying concept of democracy is not explicitly defined. The existence of a two-party competition seems to be taken as a self-evident characteristic of democracy. Thus, democracy exists, if there is "the possibility that an official can be defeated for re-election."<sup>94</sup> Thus, the theory of democratic elitism is applied or, if one prefers the economic theory of democracy, which is satisfied with the existence of two elites competing in formal democratic elections. The elites need not, but may well be, oligarchies dividing the political market oligopolitically. The choice between two oligarchies is better than no choice, but that choice cannot constitute a sufficient condition for the existence of democracy.

But this model can nevertheless be related to the emancipatory functions and the concept of responsiveness. The autonomy of factions within the organization avoids the totally unstructured form of communication, found in the council model. Genuine elections of leaders, rather than mere acclamation, distinguish the ITU from so many other organizations. Thus, collective and organized activity within the organization makes sense and can make a difference. To make an intra-party multi-party





system democratic in a meaningful sense, Bodo Zeuner has proposed a number of conditions, which have to be fulfilled:<sup>95</sup> (1) the factions have to reach down to the membership level; (2) they must not render discussion superfluous, but rather allow the open expression of differences; (3) the factions must not be allowed to neglect the strategic goals for the tactical benefit of the leaders; (4) the factions themselves have to be democratically structured; (5) no group may misuse its power over the party apparatus for the elimination of the others; (6) this has to be secured by a proportional composition of the executive committees; and (7) the factions must not lead to a division of the party. If all this were realized in a factional organization, however, the competition of groups would no longer be necessary for democratic legitimation. Factions would not be a sufficient, but only another securing factor of intra-party democracy. This also shows its relevance to the concept of responsiveness, which will be approached in the following section.

## 2. Responsiveness Defined

The concept of responsiveness has been adapted from cybernetics and the theory of communication. Etzioni introduced it to political theory and gave it a prominent place in his "theory of societal and political processes."<sup>96</sup> Feedback in a cybernetic system can be understood as a response of the decision-making center to incoming messages. "The level of responsiveness of a guidance system is determined by the 'appropriateness' of the responses issued to the messages received and, in that sense, by their appropriateness to the needs of the member units."<sup>97</sup>



Therefore, responsiveness can be defined as that "which takes into account the needs of the units involved."<sup>98</sup>

Again, there appears the dilemma between the ideal and the realistic as it has been demonstrated by means of the two models introduced in the last paragraph. The concept of responsiveness is also subject to that problem. On the other hand, an "over-responsiveness" is thinkable, which would be present, if the center of the system adapted completely to all incoming messages of the member units. Such circumstances would make impossible the performance of any long-range strategies or goals. The system would drift between permanently fluctuating majorities and would have to rely on crisis management only--incapable of creative innovation.

On the other hand, in our context of political parties another pattern is much more likely to occur, that is an "under-responsiveness" of the system guidance. This is the case, if the system "overlayer" is unable or unwilling to take care of the incoming messages of the member units on their preferences and needs, or when it is even able to call for wished-for responses. Such a system can be either too rigid, that means conservative in the political sphere, or over-creative on the account only of the leadership, which suggest the model of a radical cadre organization.

To avoid this conflict, the only goal can be to aspire to "a relatively high degree of a v e r a g i n g responsiveness."<sup>99</sup> What does this mean in our field of intra-party democracy? What kind of compromise need there be between system goal, i.e. democratization, and system maintenance? Or, to put it in cybernetic terms: there should not only be "compensating feed-back", thus responses which stabilize the system



and eliminate interference, but "cumulative feed-back" must exist, which aims at the preservation of the system stability by qualitative change, not by destruction.<sup>100</sup> Barnes attempted to compromise between participation and choice of alternatives with the following concept of democracy:<sup>101</sup>

Democracy . . . involves extensive and widespread influence on decision-making by those who are affected. This can be through direct participation in the making of decisions or choice between alternatives.

But this compromise makes the problem too easy, since its facultative formulation allows a reduction in the "choice of alternatives" only, which, however, is not compatible with our concept of democracy. Democracy as a basic human need is not satisfied with the criterion that "a loser runs neck-and-neck with a winner" as competitors in elections, as Edelstein understands intra-organizational democracy.<sup>102</sup>

Since I take participatory democracy as a basic human need, it can be introduced in Etzioni's definition of responsiveness, which was "that which takes into account the needs of the units involved". In our case, the "units involved" are the members of the party; the "needs" of the members are constituted by participation in decision-making. I have already shown by means of the emancipatory functions, how political parties can contribute to the extension of participation. Thus, taken all together, responsiveness of political parties can be defined as follows: responsive political parties are those which take into account the needs of the membership for direct participation in decision-making by favoring new learning, providing multiple autonomous channels of communication, and stimulating organized political activity.





This definition of responsiveness has been developed by starting from participation as a basic human need and applying concepts of Etzioni and Barnes in particular. Responsiveness in a normative connection can also be found in Deutsch's "Nerves of Government". "Responsiveness to the need and desires of others" constitutes an inherent part of what he calls "humility".<sup>103</sup> This in turn is indicated by "attitudes favorable to new learning, to maintaining and extending the channels of intake and outside information, and to the readiness for inner re-arrangement."<sup>104</sup> Responsiveness of an organization requires and parallels this kind of humility on the side of the individual.

### 3. Operationalization, Extensions, and Limitations

The definition reached in the last paragraph does not solve all problems which are connected with the realization of responsive political parties. Instead the definition throws up a number of new problems and widens the range of questions which appear at the stage of the application of the concept in practical research. At the same time, limitations become apparent, for not all political parties, not even those in Western constitutional democracies, allow the application of the concept of responsiveness.

An important aspect of the above definition is, that it is not operationally defined. For what does "take into account" mean? It means neither a paternalistic concern nor a purely opportunistic consideration of incoming messages. It means that the incoming messages form the basis of every decision. Samuel Barnes has already shown that a participatory concept of democracy can be operationalized:<sup>105</sup>



Democracy is a quantifiable variable: the extent of democracy can be measured in terms of proportion of individuals within that unit who do in fact influence decisions.

Thus, theoretically it seems to be feasible to construct a ratio scale (from 1 to N) of organizational democracy, whose beginning at 1. would be occupied by the organization in which one person makes all decisions, whereas at the far end would be N organizations, in which all N units participate equally in decision-making. Both extremes are actually possible, only in small groups, since even a caesarian emperor does not make all decisions. In complex organizations a total responsiveness is unfeasible, too, since there will always be responses to some member units, which are inconsistent with the needs of other units involved. Responsiveness operationalized is, thus, to be limited in the following manner: that party is most responsive, in which the greatest proportion of members, while action capacity and cohesion are maintained, participate in the making of decisions.

The rather clear operationalization, however, does not solve the problem of measurement, particularly since there are several kinds of decisions to be made in a political party as in other complex organizations. The decisions specific for political parties do not only involve personnel matters as the advocates of the internal two-party competition suggest. Wolfgang Abendroth pointed rightly at two kinds of decisions, in which the members have to participate: "richtungsbestimmung und personelle Auswahl."<sup>106</sup> More precisely three different areas of decisions can be distinguished, which are relevant in political parties in particular: decisions of policy, program, and personnel. Program decisions are concerned with the long-range goals often fixed in



written programs; policy decisions attempt to realize the long-range programs in practical day-to-day work; the personnel decisions finally concern two areas, the positions in the party organization and the candidacies for public office in the general political system. Responsive political parties aim at a realization of participation in all these kinds of decisions, but obviously the obstacles to their realizations are different.

Among the three areas: policy, program, personnel, participation occurs least in the first. Members have generally little means of directly influencing policy decisions, be it the current political decisions of a party in government, or only more partisan affairs like merging or coalition-building with others. In this area there are the strongest suspicions against participation, because of fears of disturbing the acting capacity for action and cohesion of the party.

Concerning the establishment of long-range programs there is usually more competence granted to the members, since such programs are commonly adopted by general party conventions. However, these program decisions are often so broad that they allow an unlimited freedom of interpretation. The participation of the members is regarded as most legitimate in the area of the selection of personnel. But here aggravating differences appear between the two kinds of personnel decisions, the internal, concerning party offices only, and the external decisions on candidates for public offices. Whereas most of the European parties claim both kinds of decisions as their domain and recognize them as the competence, at least formally, of the party members and their delegates, the parties in the United States have delivered the external personnel





decisions almost completely to a broader public, which decides on public candidates in the institution of the direct primary.

This circumstance makes it necessary to discuss the notion of party membership, the "units involved" in Etzioni's term of responsiveness, in some detail. There are at least three groups of units involved in the political party; (1) the sub-groups, regional or functional, which form subcoalitions within the party; (2) the enlisted rank-and-file members; and (3) the voters and identifiers of the particular party. Which of these groups should serve as the basic unit in a theory of participatory intra-party democracy?

It is very obvious that the first sub-group represents the most influential force of the three. The regional and functional sub-groups and factions are the ones which constitute Eldersveld's stratarchy. But at the same time, it is certain that these groups cannot constitute the basic participatory unit in our concept of responsiveness, since they do not comprise the rank and file. This question has to be decided between the two other units. Thus, the question is, whether the parties have to be responsive first of all to the organized membership, or to the broader spectrum of more or less engaged identifiers, supporters, and voters. In the thirties Harold Gosnell could still declare: "non-socialist and non'confessionalist parties in democratic countries are usually very loosely organized with few or no formal rules regulating membership."<sup>107</sup> Today, this is only the case in some political systems, most prominently in the United States, since the British Conservative Party as well as Norwegian or German bourgeois parties, for instance, have formal rules of membership.



In the United States the concept of party membership has so little meaning that it is not taken into account in a definition of the party organization, as provided, for instance, by V. O. Key: "the party organization may be thought of as a more or less cohesive group of persons united to control the party and to seek control of the government."<sup>108</sup> The strong supporters, militant adherents, party activists, whatever one calls them, stand outside this definition of party organization. They are mobilized for campaign purposes and are fed in the meantime by a "system of incentives"<sup>109</sup> and patronage. Thus, "American parties are largely made up of 'chiefs' of varying degrees of importance; there are relatively few 'Indians'."<sup>110</sup> Beside this, there is a legal definition of party membership, which is only concerned with the extremely complex direct primary legislation.<sup>111</sup> But a common characteristic is that "the ticket-voter conception of party membership has been embodied in the laws of all forty-eight states."<sup>112</sup>

The right to nominate candidates for public offices, which belongs to the organized party members in all European party systems, has been given to the primary voters in the United States--except for the presidential candidates. The primary voters dominate the selection of external party personnel, whereas the selection of internal party personnel is completely occupied by the stratarchical, "anarchic"<sup>113</sup> party organization. In such a state of affairs, more party responsibility may rightly be sought, but without having reached that goal, which is distant enough, it is not meaningful to call for party responsiveness in the U.S.

Therefore, the concept of responsive political parties and an analysis of possibilities for its realization have to be limited to those



parties which exhibit a clearly defined and organized membership, which is not only found in "European social-democratic parties", as some American authors still believe.<sup>114</sup> But it is correct that in these parties the position of the membership is traditionally more important and more discussed than in other parties. Thus, it is interesting to remember that the core of our concept of responsiveness had already been recognized in earlier times by students of social-democratic parties. For Alexander Schiffrin was trying to indicate nothing else, though on a less abstract level, when he demanded "Meinungsfreiheit der Mitglieder" (freedom of opinion of the members) and "local autonomy" as pre-requisites of intra-party democracy, which must both lead to politicization of party and people in general.<sup>115</sup> This approaches in simple language the multiple autonomous channels of communication in our terms. In the debate on the organization of that time, Kurt Laumann exceeded this proposition, when he concretely named a medium of the autonomous communication. The secured independence of an active party press would have to be able to guarantee an open discussion within the party and beyond it into the general public.<sup>116</sup> This proposition, however, was particularly designed for the then strong party press of the Weimar Republic, paralleled by the situation in some other European countries; but today, it is no longer realistic. Other possibilities of developing responsiveness have to be sought. Among many Schiffrin suggested one. Freedom of opinion of the members and local autonomy must be defended and confirmed by truly democratic party statutes.<sup>117</sup> Ernst Eckstein took up this suggestion and proposed a detailed reformulation of the SPD statute of that time.<sup>118</sup> This obviously does not replace political activation of





the members, for an apathetic membership would not use the possibilities which democratic institutions provide. But institutions may provide security against openly repressive measures of party leadership to dissenting membership groups. Such aspects of responsiveness and institutional devices will be investigated in the following sections.



## PART TWO: THE IMPACT OF INSTITUTIONS

### VI. INSTITUTIONAL FACTORS IN PARTY RESEARCH

In party research, institutional factors have always played an important part, unlike, for instance, in voting studies. First of all, it has to be made clear what is meant by institutional factors in the following context. In a broad sense political parties themselves are political institutions. In this study, however, the term is limited to those usually referred to as formal institutions. These are first of all constitutional factors, which are fixed in formal constitutions and thus provide the legal framework for the development of other political institutions. In the context of Western constitutional democracies this is mainly a matter of a presidential vs. parliamentary system, or federalism vs. unitarism, to mention only the two most important dichotomies among the constitutional factors. Besides these there are all the other institutions, which usually can be established and are at the disposal of legislative bodies, like for instance the electoral system, candidate nomination, and regulation of party finance.

#### 1. Saliency of Institutions

It is an important aspect of the notion of institutions adopted here, that most parliamentary bodies can at least potentially change them, either by qualified majorities in the case of drastic constitutional changes or by simple majorities for frequently changed matters like election laws. This manipulating potential distinguishes the institutional factors from the two other important clusters of factors,



socio-economic and behavioral. A conscious change of these latter factors is much more difficult to accomplish, and an achieved change certainly more affects the life of each individual or group more thoroughly. The effects of institutions are more doubtful, which has been especially realized--to a great extent rightfully--by behavioralism.

With the concentration on institutional factors in this study it is by no means my aim to defend a one-dimensional institutionalism, for I am fully aware that institutional engineering by correcting the legal constitution is not necessarily followed by changes of the socio-political reality. But it is obvious, at the same time, that this situation does not justify a complete neglect on the part of political scientists towards institutional factors. They do not explain exhaustively, but they represent at least secondary factors, since they constitute the formal rules of the game, which political actors have to observe.

If one attempts to demonstrate a positive relation between institutions and political structure, in this case the political parties, there always appears the dilemma which Leiserson puts as follows: "Do parties determine the constitution or does the constitution determine the structure and behavior of parties?"<sup>119</sup> Certainly a categorical either-or is not appropriate here; speaking generally, both occur to some extent. With some exceptions, however, particularly in the German Federal, and the French Fifth, Republic, it is true that "in each nation, the constitutional type existed in some form before the parties."<sup>120</sup> The given constitutional structure will thus have a considerable influence upon the development and consolidation of political parties. But the constitution is only a part of the general institutions in question here. Other legal specifications, such as electoral laws and regulations





of party finance, will also be investigated in the next sections. Here it is more difficult to distinguish between cause and effect.

## 2. Preoccupation with System and Nature of Parties

The impact of institutional factors on political parties has been intensively studied by those party researchers who have concerned themselves mainly with party systems.<sup>121</sup> This discussion, however, was almost exclusively focused upon one factor: the influence of electoral laws on party systems. Here another "sociological law", similar in its supposed generality to Michels' iron law, has been established. This "brazen law"<sup>122</sup> survived so stubbornly, probably because it has been formulated in such a general way--like Michels'--in that it could be immunized against single examples of counter-evidence.

In Hermens' extreme version the "law" goes something like this: single-member district plurality electoral systems create two-party systems, proportional representation leads to multi-partyism.<sup>123</sup> Schattschneider recognizes just as unequivocal a relation between electoral and party systems: "The American two-party system is a direct consequence of the American election system."<sup>124</sup> The American two-party system in particular is often associated with still another institutional factor, the presidential system of government and its peculiar mode of electing the President by means of the electoral college.<sup>125</sup> The indivisible office of the president, it is said, exercises a centripetal force on the parties, because only nationwide parties have any winning chances. It is only a matter of either winning or losing, so that a coalitional or "consociational" strategy<sup>126</sup> is excluded.



Hermens and Schattschneider, too, combine the causal relationships, as they see it, between plurality electoral laws and two-party systems, and proportional representation and multi-partyism, with rather clear preferences. The former guarantees stable, responsible democracy, whereas the latter yields inherently the tendency toward instability or even the permanent danger of destructive anarchy. These ideas, however, show rather clearly how institutional factors--more so only a single one--can be overemphasized. The pros and cons around this factor threatened to sterilize party systems research, particularly since the methodology of Duverger and Hermens made it easy for the critics to concentrate on the methods only.<sup>127</sup>

But after Douglas Rae showed on a much more sophisticated level using statistical methods of behavioral research, that there are no "brazen laws", only at best certain tendencies in the direction of the old hypotheses<sup>128</sup>, the debate on this single institutional factor seems to be settled.<sup>129</sup> Thus, the more recent party systems research concerned itself more with developmental and socioeconomic factors, as the two works of Lipset and Rokkan, and LaPalombara and Weiner, show.<sup>130</sup>

If we turn now to the impact of institutions on single political parties, it appears that the main emphasis was put here on the ideological nature of parties rather than on the organizational structure. The same authors who derived the two-party system from the electoral law, also attributed to the same institutional factor effects on the ideological nature of parties.<sup>131</sup> It is said that the competition in single-member simple-majority districts causes the parties to become large, to campaign among different strata, and to make special efforts to get the marginal and floating voters in between the partisan orientations.



This, taken all together, leads to an ideological moderation, to a catch-all or platform party, exclusively interested in winning elections. On the other hand, proportional representation is said to force the parties into sharp profiling against ideologically adjacent groups. Nationwide scattered interest parties get a chance of being represented; thus, proportional representation becomes destructive and polarizing to the parties, since "parties strive to accentuate ideological 'product differentiation' by maintaining purity of doctrine."<sup>132</sup>

Several objections can be put forward against these arguments, which are only illustrated, but not verified, by the fact that indeed ideologically low accentuated parties are associated with simple-majority electoral laws in the U.S. and Great Britain. First of all, in its methodological reasoning this thesis thinks of "ideology" as distributed on a one-dimensional left-right scale. But actually it must be assumed that ideologies, belief systems, or Weltanschauungen are composed of quite a number of mutually overlapping factors.<sup>133</sup> On the other hand, the concept of ideology is biased--to put it mildly. All forces which aspire basic system change, are labeled "ideological" in a pejorative sense without considering the direction of change, even if radical democratic or utopian goals in Mannheim's understanding are striven for. However, it is very obvious that a catch-all or peoples party has to rely on ideologies, too, if only to cover the conflicting interests of different groups which are represented. This is done by appeals to the "Great Society" or the "Formierte Gesellschaft". Most operationalizations and criteria of "ideology" are still too problematical to allow for a meaningful application in a typology of political parties.<sup>134</sup>





Thus, the research efforts which concerned themselves with the impact of institutional factors on party systems and ideologies, concentrated strongly on a single factor, the electoral system, and overestimated its importance. But this is not a reason for ignoring completely the impact of institutions; when they are considered carefully, as Rae for instance did, interesting results are obtainable.

In the following section I turn to party structure, which is our original theme, and the consequences of institutions upon it. It has to be asked in particular, if there are institutional factors which have an influence on components of our concept of responsiveness. This is done by a consideration of variables which come into question here, together with some hypotheses which seem to be plausible or were brought forward in earlier research.



## VII. INSTITUTIONS RELATED TO PARTY STRUCTURE

There is not very much literature devoting itself to the impact of institutions on party structure and intra-party democracy in particular. This is not astonishing, since I am also not convinced that party democracy is achieved by institutional engineering. But nevertheless, this field is of some interest. A closer look at the party literature shows that there are almost no exclusive works on this complex, but nevertheless a huge number of hypotheses and conjectures can be found. In the following section I will discuss the legal institutions which seem to me of some importance, without attempting encyclopedic exhaustiveness. But it is my aim to show the whole range of institutional devices, before I come to the specific, the deviant case of the German party law.

### 1. Indirect Factors

The distinction between direct and indirect factors follows from the fact that some institutions are established without consideration for political parties, but have side-effects on them. This is the case, for instance, with most of the formal constitutions which date from before the era of parties. Other institutions, here called direct, are especially designed with a view to the parties; their effect on party structure is openly intended, as for instance in the case of the primary laws in the United States.

#### a. Form of Government

The most general among the institutional factors is the form of government. The basic difference is provided by the particular kind



of separation of powers. In particular, parliamentary cabinet government differs from a presidential form of government. Thus, most common is a contrasting of the British cabinet model with the U.S. American presidential system.

Since in the British cabinet system the chief of the executive, the prime minister, grows directly out of the strongest parliamentary group, this group must have a strong discipline and cohesion in order to stop the leader of the other opposition group getting into office. Therefore the prime minister, and similarly the leader of the opposition party, have a very strong position in parliament and party, since they are at the same time chiefs of the executive and of the shadow cabinet respectively, leaders of the majority and of the minority parliamentary groups, and leaders of the extra-parliamentary parties. Because of this constellation the political importance of the House of Commons declined, so that today the traditional separation of power is out of the question.<sup>135</sup> This drive toward parliamentary cohesion has consequences for the structure of the parties in general. McKenzie puts it thus: "The distribution of power within British political parties is p r i m a r i l y a function of cabinet government and the British parliamentary system."<sup>136</sup> Without going so far as McKenzie, most party researchers agree that this set of institutions gives strong incentives toward party cohesion and discipline. There is probably no one-sided causality at work, thus Harry Eckstein is right when he states that "cabinet government on the British model compels a certain correspondence between party structure and governmental structure."<sup>137</sup>





The marked U.S. American separation of executive and legislative powers does not give to the president efficient sanctions to bind the Congressmen of his party to his policies. His power grows out of elections independent from the Congress and his constitutional position is, designed so that he is able to govern without a partisan majority in both houses, which actually has often occurred. "Consequently, there is absent in the American system the strongly compelling force for legislative party unity that exists in parliamentary systems."<sup>138</sup> This absence of the need for cohesion influences the American parties in general even more, because the same constitutional pattern exists in the state legislatures too, and even in the city councils. The impact of this pattern on the loose structure of American parties is undisputed in the literature.<sup>139</sup> What has been said on the impact of the British and American form of government on party structure, holds similarly for other constitutional systems, though in the case of other major European systems to a lesser extent, since most of these constitutions are younger, and thus themselves influenced by the party systems.

#### b. Federalism

The degree of centralism of the political institutions is another important indirect factor exercising an impact on the party structure. The prevalence of either unitarism or federalism seems to condition per se the existence of a corresponding party structure, either more centralized or stressing more decentralization. But it is not that simple, since the form of government also does not "cause" a certain party structure. Thus, despite parliamentarism the Canadian parties are not as centrally oriented as their British counterparts; and the West German



parties exhibit, notwithstanding a strong federalism, rather high national cohesion and centralism, and Austrian parties even more so. But it seems nevertheless justified to maintain that in general centrifugal tendencies are inherent in federal political systems.

Concerning the party system this is especially true for Canada, where the strongly developed federalism favored the growth of parties that are almost exclusively provincial based.<sup>140</sup> Concerning the party structure, centrifugality is most obvious in the United States, where the atomistic federalism--there is no other federal system in the world with so many member states--tends to fragmentize party organization. Such a dominant decentralizing effect is attributed to federalism in the United States, that Ranney and Kendall suggested that it "is the main reason why each national party is a loose confederation of state and local parties rather than a unitary national organization with state and local subdivisions."<sup>141</sup> In other countries, however, where federalism does not coincide with such great distances, i.e. problems of communication, in former times particularly, and with such ethnic differences as in North America, this constitutional factor does not have such dominant importance.<sup>142</sup>

### c. Electoral Systems

The third and last of the indirect institutional factors which will be investigated here, concerns the electoral systems. In the following remarks I adapt the distinction of Charles Rae between electoral laws and election laws.<sup>143</sup> Of the former the electoral formula is the most important feature, which prescribes the principle by which votes are translated into distributions of parliamentary seats among competing



political parties. Thus, the electoral system, as I will call it, concerns mainly the decision for some form of proportional representation or majority electoral system respectively. In contrast to this, election laws are all other "authoritative rules which pertain to the conduct of elections."<sup>144</sup> These are ballot form, nominating procedures, calendar of elections, et cetera. The laws just mentioned are usually more easily changed and manipulated; normally, they are tailored to the parties by the parties themselves, whereas the decisions on the more basic electoral systems date partly from before the development of political parties at all, or at least before the development of the current, modern parties. This justifies the inclusion of the electoral systems among the indirect factors and of the election laws among the direct institutional factors.

Especially those authors who emphasize the merits of majority electoral systems in contrast to proportional representation, as Hermens and Duverger,<sup>145</sup> maintain a democratizing effect of the favored systems. Since the carrying out of the election lies almost exclusively in the hands of local organizations--from the nominating phase to campaigning--the single-member district simple-majority system guarantees the autonomy of the local party organs. Under proportional representation, however, the necessity for party lists would result inevitably in greater centralization of the party, thus damaging local autonomy. Furthermore, deputies, who are elected by party lists, must rely on the favor of the same central party organs, which decide on the placements on the list. Therefore re-election is not up to the voters nor to the party members





in the local constituency, but to the party apparatus. Thus, taken all together, "der demokratische Charakter aller Parteien wird an der Spitze ihrer Organisation ebenso vernichtet wie an der Basis."<sup>146</sup> (The democratic character of all parties is destroyed at the apex of the organization just as much as at the base.)

But in face of this verdict some caution is appropriate. What is meant by "democratic" here? It is obviously right that PR together with a list system does to some extent strengthen party organization,<sup>147</sup> just as it is clear, on the other hand, that single-member district simple-majority systems encourage party decentralization.<sup>148</sup> But first of all this explains only very little of the actual degree of centralism, since the same electoral system in Great Britain and the United States, for instance, is associated with quite differently centralized political parties.<sup>149</sup> Second, the degree of centralism or cohesion does not necessarily say very much about the degree of intra-party democracy. Three different things have to be distinguished, which Hermens does not separate: party cohesion, centralization, and internal democracy. Cohesion indicates mainly the holding together, solidarity, and coherence of parties at the parliamentary level, on which matter the term 'responsible parties' also puts great emphasis. But it has already been shown above that responsible parties are not the same as responsive parties, i.e. internally democratic ones. Hermens, however, equates cohesive parties, which nominate candidates in a decentralized fashion, with internally democratic parties. Centralism concerns first of all the position of the central party organization in the nominating procedure



for public offices. The degree of centralism, however, cannot be taken as an indicator of intra-party democracy.

The completely decentralized U.S. American candidate nomination, for instance, atomizes the party organization, since with predominating local autonomy there is no room for meaningful upward and downward communication. Or to take another example, despite PR and generally strong party organization, the nomination process in Norwegian multi-member districts with its convention system exhibits probably more democratic features than the American one.<sup>150</sup>

But in other respects too, the American electoral system is extremely difficult to compare with other systems, especially because it shows another unique feature: the electoral college for the election of the president. The whole nation does not form the electoral district for the presidential election, as in the Weimar Republic, Austria, and the Fifth Republic, for instance, but the states form the election districts, and delegate their votes in toto. This institution also strengthens the party organizations of the states at the expense of the national organization, and contributes to the "fragmentation, dispersion, and counterbalancing of powers"<sup>151</sup> of the American formal governmental system. It is the combination of a number of centrifugal forces, which exert such a strong decentralizing influence upon the party organizations operating in this system.

In concluding this examination of three indirect institutional factors--form of government, federalism, and electoral system--one can say that there are in fact consequences on the internal party structure. Epstein is obviously right when he says: "Party organization tends to parallel governmental organization."<sup>152</sup> The specific impact of any one



factor, however, is very difficult to ascertain. The influences result mostly from a concerted impact of several factors. A wide field of research still lies ahead here. The problem also remains of how the differing theses on centralism and cohesion can be related to intra-party democracy, and to the concept of responsive political parties. This will be discussed in the section after the following investigation of direct institutional factors.

## 2. Direct Factors

The more directly the legal institutions are tailored to the parties, the more difficult becomes the distinction between cause and effect. For the institutions are ordinarily made and decided upon by parliamentary, i.e. partisan, majorities. Therefore one must ask if the alleged effect of an institution can in fact be attributed to it, or if it is merely the legal formulation of the existing facts. All institutional changes which parties or parliamentary majorities carry out, are motivated by self-interest, and this does not guarantee that they are governed by a great democratic ethos. But neither does this mean that the contrary is the case, that all self-interested changes are necessarily undemocratic. The history of enfranchisement gives an important contrary indication. Political parties can be induced by sufficiently wide public support to make democratizing institutional changes of their own. This can be illustrated by the primary legislation in the United States and by diverse legal regulations of party finance. Besides the public, decisions of high constitutional courts sometimes cause the parties to effect institutional changes that are against their





own self-interest, as for instance in the case of the "white primaries" in the U.S. Southern States,<sup>153</sup> or in the case of the formerly extra-legal party finance in the German Federal Republic.<sup>154</sup> It is indeed possible that even institutional devices set up by the parties for the parties may later alter the parties themselves.

In the following paragraphs three fields of direct institutional factors are to be investigated: election laws, legal regulations of party finance, and party laws. The three areas differ especially in the frequency of their occurrence. Only very few countries have even discussed party laws, most of the constitutional democracies have some form of party finance legislation, and all have more or less detailed election laws.

#### a. Election Laws

This is an extremely complex matter ranging from the nominating procedures to the ballot form. For our purpose some aspects which might have an influence on party structure are selected. In order to arrange the complex more clearly, first of all regulations concerning the election act itself are examined, followed by those of the nomination phase.

The kind and form of the ballot paper represents an important factor of determination of elections. It may comprise the names of single candidates or whole lists of them; this difference, however, is a consequence of the electoral system adopted, which has already been discussed above. Furthermore the ballots can be partisan or non-partisan, i.e. the party affiliation of candidates may or may not be indicated. Systems of proportional representation do not have this problem, but the alternatives occur for the single-member district simple-majority systems



which exist in the anglo-saxon democracies. Whereas in Great Britain and, until recently, in Canada the party affiliation of candidates is not indicated, in most of the U.S. American elections party labels are printed on the ballot, except in a number of city council elections. It has been suggested that the absence of party labels forces the party organizations to much greater campaign efforts, because the respective candidates and their party affiliation have to be stamped upon the voters memory. By these efforts the British party organizations were strengthened.<sup>155</sup> But on the other hand, the U.S. nonpartisan elections date, as do the primary laws, from the reform activities around the turn of the century, which were in fact inspired by the idea of a containment of party organizations and machines.<sup>156</sup> As a matter of fact, party organizations have declined in those areas where nonpartisan elections have been adopted,<sup>157</sup> and it is very likely that a nationwide employment of nonpartisan elections would have fragmented the American political parties even more.

Another unique American feature is a ballot length'unknown to other countries. It results from the numerous elective offices and from the coincidence of presidential, congressional, state and other elections with referenda on state or lower levels. These long tickets fatigue the voters, are often left unfilled in the lower rows, and thus scarcely contribute to transparency of parties and politics.<sup>158</sup>

An influence on party structure is also attributed to the calendar of elections.<sup>159</sup> The elastic British timing of elections is said to have a politicising effect on parties and voters, since elections can be scheduled "in accordance with the demands of current issues",<sup>160</sup> whereas



under legally fixed terms issues have to be manufactured. At the same time, the sheer frequency of American elections for local, state, and national offices, which are biennial on most levels, and the staggered elections by a rotating exchange of personnel, all degrades the political party to a pure caucus, to which campaigning leaves neither the possibility nor the time for policy formation and organizational problems.<sup>161</sup> But there are other countries, as for instance the Federal Republic, which also have fixed terms for numerous elections on different levels, where such a fragmentizing and de-politicising effect is not evident.

As a conclusion to this overview of the impact of the direct factors examined so far, not very many concrete relations which can stand an international comparison have been found. The rather peculiar American regulations are often made responsible for the obviously deviant structure of U.S. parties, but the suggestion of this relationship may often result from a certain perplexity in the search for reasons for this most noticeable deviance.

#### b. Nominations of Candidates

In most of the Western constitutional democracies the nomination of candidates for public elective offices lies with the political parties. They ordinarily nominate the candidates in internal party caucuses or more open party conventions. Quite different patterns also occur. On the one side stands Great Britain, where formally each single local branch of the party selects its constituency candidate. That nevertheless informally the party apparatus exerts a strong, though often overemphasized, influence<sup>162</sup> on the selection process does not have to be discussed at this point. In any case "the party selection process remains unknown to the law."<sup>163</sup> On the other side stands a





country like Israel, where the whole nation forms one multi-member district with a system of proportional representation. Closed, non-preferential lists of candidates are set up by central executive committees of the parties.<sup>164</sup> Between these extremes of centralism and decentralism can be placed most regulations in the other European countries applying proportional representation. The lists of candidates are set up not nationally, but on district, province, or state level by conventions of party delegates.<sup>165</sup> Whereas in most of these countries candidate nomination is a private partisan affair, the federal election law prescribes in West Germany that the nomination of the constituency candidates as well as the candidates of the Laendar lists must be selected by secret ballot at the appropriate party convention.<sup>166</sup> This represents the first institutional requirement reached in this investigation so far, which aims indisputably at intra-party democracy. Although informal control by the party leadership cannot be made impossible, this institution, which has to be incorporated in every party statute, gives important rights to self-assured constituency or Land conventions.

In the United States the nominations are even more legally regulated than in West Germany, with the all-important difference that the right to nominate is transferred from the parties to the primary voters. This is the basic idea, and while the actual legal regulation in the fifty states is highly differentiated, this differentiation is not essential to our present discussion. The direct primary represents another attempt to democratize the nomination process of the political parties by legal institution. Its aim was, in particular, to provide a weapon against oligarchic control and corruption in the earlier



convention systems.<sup>167</sup> Its success is disputed or even more frequently, doubted.<sup>168</sup> But it is certain that the party organizations, though formally deprived of one of their main activities, did not cease to exist.<sup>169</sup> They still control informally, partly by pre-primary endorsements, a great number of personnel decisions.<sup>170</sup> But concerning the regional domination of parties and especially the one-party rule in some areas, the direct primary made possible a competition of factional candidates; the parties were able to differentiate internally, and intra-party opposition could develop. Thus the direct primary brought a certain democratic feature into one-party areas. But at the same time, since an opposition party became obsolete in those areas, the same institution may have helped to petrify one-party dominance.<sup>171</sup> Although it was not the intention of radical reformers, this institution has "neither destroyed party control over the primary nor democratized the making of nominations,"<sup>172</sup> as Sorauf judges, but it nevertheless influenced the power structure within American parties. Decentralization has been strengthened, active minorities of the party can bring their candidates through with public support, and the primary has contributed to the decline of bossism and the big machines.

If there is only some truth in Schattschneider's thesis that "the nature of the nominating procedure determines the nature of the party,"<sup>173</sup> then the American parties could be nothing but decentralized and incohesive.

### c. Legal Regulations of Party Finance

The literature on the complex of party finance is voluminous, but again need not be recapitulated in detail for our present purpose.<sup>174</sup>



The important question for us is whether these legislative interventions have affected the internal structure of political parties and, if so, whether a democratizing potential is inherent in these institutional devices.

The earliest and until now most common legal regulations of party finance concern the campaign expenses of candidates. They are established in order to fight "corrupt and illegal practices" by stipulating maxima for election expenses of individual candidates. Great Britain adopted such measures with the law of 1883, and most of the other Commonwealth democracies followed.<sup>175</sup> A second component of legal regulation of party finance is also defensive in character. It concerns the prohibition of certain sources of revenues for the political parties, as in the United States from unions and corporations, or of certain expenses, as in Great Britain for paid canvassers, transportation of voters, et cetera.<sup>176</sup> It is common to most of these limitations on revenue in the United States and in Great Britain, that they concern only funds of the individual candidates, not of the central party organizations. In this the central party organization gets an advantage, but generally these provisions seem to have little influence upon the party structure.

A third component of the legal regulation of party finance concerns the public accounting for the sources of money the parties receive. The origin of this legislation lies, like most other institutional interventions, in the reformist efforts in the United States around the turn of the century.<sup>177</sup> This legislation is based on the idea that uncontrolled political funds increase the danger of corruption and of buying





deputies and governments. Meanwhile other countries also introduced the obligation for the parties to account publicly for their revenues, like Great Britain in the Representation of the People Act of 1949.<sup>178</sup> In the German Federal Republic the accountability of party finance has even entered the Basic Law, though it was legally realized only eighteen years later in the party law of 1967. The specifics of the regulations vary widely. In the Anglo-Saxon countries the party candidates, their campaign committees, or financial agents are responsible for delivering the reports. They concern in Great Britain mainly the expenses, in the United States the revenues, which have to be broken down in detail. Whereas in Great Britain the total expenses are officially published, in the United States the individual reports are only collected.<sup>179</sup> In the German Federal Republic, however, the party law imposes on the parties the obligation to report annually on their revenues, and the report is officially published by the Federal Election Commissioner.

Although the legislation on party finance interferes more than all other institutions discussed so far, in the autonomy of political parties, no hypotheses can be found concerning its influence upon the internal party structure. This of course was not the motive for their introduction, but the external party democracy, i.e. the transparency of the parties to the public, was to be promoted.

Some countries went beyond this thoroughly restrictive party finance legislation, and adopted a direct state financing of political parties, which exceeds by far the usual indirect benefits granted to the parties in many countries, as for instance tax deductibility of party contributions or free time in public mass media. Such a party financing has been



discussed in the United States and in Canada,<sup>180</sup> but has so far been introduced only in Sweden, and West Germany, and some Central and South American States.<sup>181</sup> This regulation is based on the idea that, by political education, the parties fulfil functions which are of vital importance to the stability of every democratic system. Party finance by the state, it is said, helps to reduce economic dependence on powerful private donors, and reduces also inequality and insufficiency of the revenues of the parties.<sup>182</sup> It is very obvious that less altruistic motives also facilitated the adoption of this practice which sounds so democratic.

In our discussion of party democracy, the level on which the political parties are subsidized is important. For the party level to which the funds are paid gets an advantage over all other levels, caused by the autonomy which the disposal of the financial resources grants. But neither in Sweden nor in the Federal Republic has there been serious consideration of granting the funds to local or regional party levels. In both countries the funds flow directly into the central party organizations. This obviously strengthens the central party apparatus and the leadership. An investigation of the effects of this institutional factor on party structure in the case of Sweden and the Federal Republic would be highly desirable.

#### d. Party Laws

Among all institutional regulations of party affairs, party laws represent the strongest interventions. But party laws, which define the legal character and the constitutional position and regulate certain aspects of the internal structure, are up for discussion in very few



countries. Only a strong legalistic Roman Law tradition can overcome the objections against this quasi recognition of the political parties as state organs. Therefore, the introduction of a party law is out of question in the United States though legal interference into party autonomy by primary and party finance legislation is so common there. The same is true for Sweden, where the recognition de facto of the parties as state organs is so much developed by the public financing of parties.

The Federal Republic, however, to whose party law a special part of this study is devoted, is not the only state which has either adopted or seriously discussed such legislation. In France, the first Constituante to the Constitution of 1946 had discussed a statute of the political parties in 1945. It comprised an obligation for all parties to internal democracy, since the unstructured and undemocratic parties were made largely responsible for the fall of the Third Republic.<sup>183</sup> But by the final proclamation of the constitution the plan had been abandoned. The political parties have only been embodied in the constitution of the Fifth Republic:<sup>184</sup>

Les partis et groupements politiques concourent à l'expression du suffrage. Ils se forment et exercent leur activité librement. Ils doivent respecter les principes de la souveraineté nationale et de la démocratie.

But this formulation is far from being a party statute, since it is even unclear whether the stipulation to observe the principles of democracy is meant internally or externally. The political parties are also incorporated into the Italian constitution of 1947. There general public duties are recognized, and demands for a democratic internal structure





are made more clear than in France:<sup>185</sup>

Tutti i cittadini hanno diritto di associarsi liberamente in partiti per concorrere con metodo democratico a determinare la politica nazionale.

More than in France a party statute was discussed here, but no agreement was reached, particularly because no one could agree on the extent of state interference in the internal autonomy of the political parties.<sup>186</sup>

A party law was not only discussed but also adopted in Turkey and Argentina, both in 1965.<sup>187</sup> The Argentinian law is based on a longer tradition; already in 1949 and 1956, there had been decrees concerning party statutes, which comprised guarantees of the participation of the membership in leading party affairs.<sup>188</sup> Since the military putsch of 1966, however, the law has become obsolete. The party law of Turkey concerns mainly the nomination of candidates and scarcely internal party democracy.<sup>189</sup>

No party law can, with certainty, force the political parties into democratization by stipulation of certain organizational forms of processes of membership participation. However, openly undemocratic structures can be outlawed, like the "Fuehrerprinzip" for instance, and the legal position of the party membership, the constitutional rights of the party citizens, can be secured against arbitrariness. Which possibilities a party law offers and how these can be related to our concept of responsive parties is to be investigated in the last part of this study, taking up the example of the German party law.



# VIII. INSTITUTIONS AND RESPONSIVENESS

The overview of institutional factors, which can be related to party structure, threw light on a number of positive relations. There are in fact several institutions to which an influence upon the party structure can be attributed. But most of those with which the party literature has been concerned are very difficult to state concretely, and they are only effective in concert with several others. Beyond this, they concern only certain aspects of the party structure, namely the degree of centralism and/or cohesion, which are more or less furthered by the respective institutions. Figure 4 shows some of these relations which are found in the last section.

Figure 4: Institutions Related to Cohesion and Centralization of Political Parties.

Institutional Factors Favoring Cohesive and/or Centralized Political Parties	Institutional Factors Favoring Incohesive and/or Decentralized Political Parties
parliamentarism	presidential system
unitarism	federalism
proportional representation	single-member district simple-majority systems
partisan ballots	non-partisan ballots
nominations by convention	direct primary

Cohesion and centralization, however, apply only indirectly to the concept of responsiveness outlined in the first part of this study. Neither of the two characteristics can be related directly to intra-party democracy. Completely decentralized and incohesive parties grant very much autonomy to the local units, but the general communication



within the organization suffers. For the same reason, the direct primary legislation could non-democratize the American parties, which had been the aspiration of the reformers. A democratization of candidate nomination was reached to some extent, but this concerns only external aspects of a democratic party structure. Fragmentation and localism have been strengthened; communication and cohesion at the national level have been impeded.

The advocates of responsible political parties polemicized against this state of affairs. The responsible parties they called for were to be made more effective, i.e. the central institutions more strongly articulated, as well as more democratic, i.e. party membership was to be newly defined and more taken into account. To aspire to both at the same time seems to be very problematical, to say the least. In any case, the institutional changes, which are proposed in the report, are unsuitable. A re-definition of party membership, and a re-organization of the internal decision-making process and of the delegation process up to the national conventions, are demanded.<sup>190</sup> But at the same time, not only a nationwide adoption of the direct, closed primary for all candidates to the Congress is advocated, but also a national primary for the presidential candidates.<sup>191</sup> Thus the party members are deprived of all those external personnel decisions which might have been able to attract new members. Only decisions on policy, program, and internal party personnel are left to the members, of which the first two are inconclusive enough. Thus other advocates of responsible political parties have argued more consistently, in that they abandoned calls for internal democracy, and pleaded only for responsible party leadership.<sup>192</sup>





The democratization of candidate nominations is an important goal, which is obviously furthered by the direct primary legislation, but it concerns only the external personnel decisions of the parties. The same is true for the public accountability of party finances, which concerns mainly the external transparency of the parties. Internally, these stipulations scarcely change the parties. Concerning the primary legislation for instance, the parties can bypass it by pre-primary endorsements of acceptable candidates. This is not to suggest that the United States should abolish all primary legislation for the sake of truly democratic parties, in favor of a state controlled democratic party convention system. The only alternative here is to develop the primaries and thus to increase the influence of the general public on the parties. By this the parties would be made responsible more to the voters than to the members. The concept of internal responsiveness is difficult to apply. In other countries, where responsible parties already exist, at least to some extent, the problem is to develop them toward more responsiveness. It has been shown that the only institutional factor which is directly focussed on the internal party structures is provided by party laws.

But here some critical questions can be put forward. First of all, is it justified to treat political parties as governmental organs and to interfere legally into their internal affairs? Do the parties become more bureaucratized and do they come more under government control through party legislation and do they thus lose autonomy and vitality?<sup>193</sup> Is party legislation, which is executed by the parties themselves, at all meaningful? Is it thinkable that any changes are possible by this method beyond a consolidation of the status quo?



Many authors answered the first question emphatically in the negative. So Schattschneider: "The extralegal character is one of their most notable qualities."<sup>194</sup> In the first part of this study, however, I have already pointed to the central position of the political parties which is reached by no other political institution. By this central position a good part of their former autonomy and vitality was already lost, and laws which govern candidate nominations, party finance, and the elections in general destroyed more. Thus, the parties of today are no longer extralegal institutions. Specific party legislation may help to clear the often blurred position and to give clear definitions.

But this leaves the last question open, whether it is inevitable that such a legislation confirms the status quo, since the parties themselves make the laws. It is too early to answer this question, for the next section on the German party law is devoted to it. But one consideration should be made at this point. The parties do not show the same standard of intra-party democracy in every party system. If a common denominator has to be found, some parties have to adjust inevitably to higher standards. This alone might be a result of party legislation worthy of consideration. It seems to me unlikely that the other parties would adjust their democratization downward in the face of internal and external public pressure. But all this will be tested in the following analysis of the German party law.

The analysis starts with the concept of responsiveness, as it has been developed previously. Those political parties have been defined as responsive, which take into account the needs of the membership for



direct participation in decision-making by favoring new learning, providing multiple autonomous channels of communication, and stimulating organized political activity. A party law can never directly fulfil any one of these conditions, since it can only influence the formal structure by establishing criteria for democratic party statutes. They do provide the institutional framework for the relations and activities for all units combined in the party. To the party law the question has to be put: Does it change that institutional framework, and if so, are these changes in favor of or against the responsive nature of political parties?





### PART THREE: THE INTRA-PARTY EFFECTS OF THE GERMAN PARTY LAW

#### IX. THE GERMAN TRADITION OF INTRA-PARTY DEMOCRACY

"Es gibt in Deutschland nur eine schwache Tradition der innerparteilichen Demokratie," Zeuner declares.<sup>195</sup> This negative judgment on intra-party democracy in Germany cannot surprise, for it can partly be explained by the fact that the anti-party effect has been stronger here than elsewhere, and has lived on since its peak in the second half of the 19th century.<sup>196</sup> With regard to the only party of that time which claimed to be democratically structured, Michels had demonstrated his "iron law of oligarchy"; and the SPD of the Weimar Republic did not get much better marks from the intra-party opposition.<sup>197</sup> Finally it was in Germany that the NSDAP grew as the prototype of a fascist "Fuehrerpartei", which understood itself precisely as a counter-model to any participation from the membership.<sup>198</sup>

After the Second World War, most of the authors investigating the structure of West German parties did not arrive at more positive results. Thus Renate Mayntz reaches a generally negative conclusion in her study of the democratic potential of the CDU in West Berlin.<sup>199</sup> Ulrich Lohmar is convinced that he can confirm important aspects of Michels' "iron law" after his broad overview of intra-party democracy in German postwar parties.<sup>200</sup> Ute Mueller's analysis of the party statutes brought to light aggravating restrictions of the formal representation of party members in all three German parliamentary parties.<sup>201</sup> Finally, in the most recent monograph in intra-party democracy, Bodo Zeuner also reaches a negative judgement on the present state of intra-party democracy.<sup>202</sup>



Though he shows reverence for Michels' thesis, he does not accept that his state of affairs is unalterable.

Of course, this is not a uniquely German problem. The lack of intra-party democracy seems, internationally speaking to be the rule rather than the exception, as has already been shown in the first part of this study. The main deviant account was given by Valen and Katz in their study of the Norwegian parties. If they reach an in essence favorable conclusion about intra-party democracy in Norway,<sup>203</sup> one may ask, favorable compared to which other parties? Favorable obviously compared to the American parties, to which they often refer; probably also to the British parties, since there the criteria which condition their positive account, are not completely fulfilled. The main criteria as formulated by Valen and Katz, are the following:<sup>204</sup>

- (1) The party leaders must continuously validate their position by an electoral process;
- (2) the nomination process for candidates is decentralized;
- (3) the leaders must operate within the platform adopted by the elected party congress;
- (4) there is a discussion of issues at all levels in the party structure.

In the German parties, however, all this is, in essence, formally present. Yet it is easily explained why many students of the German parties nevertheless reach a negative account. Even elections taking place at regular intervals can be manipulated; decentralized nominations can nevertheless be dominated by local bosses; party platforms can be formulated non-committally or circumvented; and the discussion in party units can be an end in itself. Thus, it is not certain that the Norwegian parties differ informally very much from their European counterparts.



But there is one aspect in the international discussion of intra-party democracy, which seems to me relevant for Germany in particular. This is the unusual great and widespread interest, scientific, official, and public, into questions of internal party democracy. In no other country has there appeared more literature on intra-party democracy: to begin with, the ambitious case study of Renate Mayntz, then the three already mentioned general monographs on intra-party democracy by Ulrich Lohmar, Ute Mueller, and Bodo Zeuner, and numerous articles on the subject.<sup>205</sup> The political parties themselves inserted the obligation for intra-party democracy into the Basic Law of 1949, and the topic represents an important issue in the press and public. Thus, the climate for the discussion of responsive political parties seems to be relatively favorable in Germany. This creates a situation much more favorable to potential change than that, for instance, in the United States, when voices were raised for more responsible political parties.

But it has to be admitted that this consensus on the desirability of a democratic party structure, even along the party leaders, does not say very much about the actual realization of such structures. The consensus is even more remarkable when one considers the extremely different starting points of the three now remaining parliamentary parties at the end of the Second World War.

The SPD developed within the only slightly changed organizational statute of the prewar party, depending on members and functionaries who had survived National Socialism underground or abroad.<sup>206</sup> During the fifties the programmatic orientation of the SPD changed drastically, but the organizational structure was scarcely modified.<sup>207</sup> Despite claims





to be a "Volkspartei" in terms of its program, the party remained the rigidly organized membership party in structure, in which no autonomy was granted to secondary organizations or sub-collectivities, and in which intra-party opposition or factions had no chance.<sup>208</sup>

The CDU/CSU was founded after the war entirely "from above"<sup>209</sup> by notables and adherents of former bourgeois parties. It established a reservoir of different social strata and interests. The political integration of great parts of big business, the middle classes, and agriculture succeeded; even that of a considerable part of the catholic industrial workers.<sup>210</sup> This development was favored by the lead which accrues to every party of national integration and nation building.<sup>211</sup> Adenauer's charismatic figure and the increasing electoral gains during the fifties and early sixties led to the understanding of intra-party democracy as a careful balance of regional and economic interests within the leadership groups. For many, not least financial, reasons the CDU has also tried, in more recent years, to become increasingly a membership party. Thus, Kiesinger demanded at the federal party convention in 1969: "endlich und endgueltig mit dem seit Jahren proklamierten Willen, eine Mitgliederpartei zu werden, ernstzumachen."<sup>212</sup>

The FDP was the only parliamentary party which survived the process of absorption which drove all other small bourgeois parties into the realm of the CDU. At its foundation the FDP most purely represented the old type of a party of notables,<sup>213</sup> and it still does so today. Its Laender organizations have more autonomy than even those of the CDU, and several ideological factions exist within the small party. At the same time, the party statute of the FDP has always granted considerable



rights to representative organs and secured the legal position of the individual member.

These three parties, structured so differently, reached an agreement on party legislation in the Bundestag in 1967, at a time when the two big poles, SPD and CDU, formed a Grand Coalition and the FDP tried to present itself as a small, opposing, progressive force. Before the effects of this law on party structure are investigated in detail, the constitutional preconditions and the political development of the German party legislation will be shown.



## X. THE EMERGENCE OF THE PARTY LEGISLATION

### 1. The Stipulation of the Basic Law

It is very likely that no party law would exist in the Federal Republic if the parliament had not been bound by the Basic Law of 1949. The constitutional provision is indeed unique in its impact on the political parties. In no formal constitution before the Second World War had the political parties been positively mentioned, although at that time "party government" did obviously exist. But in comparison with the postwar constitutions which did incorporate the political parties, as those of the French Fifth Republic, Italy, and Turkey, the German Basic Law goes much farther. The relevant Article 21 reads as follows:<sup>214</sup>

- (1) The political parties shall participate in the forming of the political will of the people. They may be freely established. Their internal organization must conform to democratic principles. They must publicly account for the sources of their funds.
- (2) (Paragraph 2 deals with the prohibition of anti-constitutional parties.)
- (3) Details shall be regulated by federal laws.

Thus the parties are made to stand out among other social collectivities and political associations, and this in two respects. On the one hand, they are positively privileged by the acknowledgement of their participation in the forming of the political will and by the guarantee of free formation; on the other hand, obligations have been imposed on them, which interfere in their autonomy more than is the case with other organizations.<sup>215</sup> These limitations comprise the obligation to an





activity in conformity with the constitution. More important in our context are the obligations to have a democratic internal structure, and to account for sources of funds.

The incorporation of these obligations on the parties can be directly derived from the memory that the Weimar Republic was destroyed by an extremely antidemocratic party, the NSDAP. Delegates of the SPD and the Zentrum in particular pleaded during the debate on the Basic Law in the Parliamentary Council, that such obligations be included. In the case of the financial stipulations it was argued that the financing of the right-wing parties, and especially the NSDAP, by big industry accelerated the fall of the Weimar Republic.<sup>216</sup> Thus, a first version of the financial obligation read:<sup>217</sup>

The internal order of parties must conform to democratic principles and must be assured against undemocratic influences by the publication of the sources of their funds.

Although the CDU/CSU and the FDP were already then supported by donations from the business community, they could not openly resist these arguments, so that the two stipulations, though unrelated to each other, were incorporated into the Basic Law.

By article 21 of the Basic Law the political parties have been put into a semi-official position. They occupy a completely unique status between the governmental and the non-governmental spheres.<sup>218</sup> Thus, Germany has given effect to a development which is going on in other constitutional democracies.

The last paragraph of Article 21 of the Basic Law demands: "Details shall be regulated by federal laws." Only in 1967, 18 years later, was this provision fulfilled, and then only when forced by decisions of the



Federal Constitutional Court. Controversies had come up in particular around the complex of financial accountability of the parties, and only secondarily around the formulation of provisions concerning the internal democratic structure. The reasons for this controversy lies in the structural divergence of the parties. Whereas the SPD, as the traditional membership party, satisfied its financial needs primarily by its high revenues from membership dues, the CDU/CSU and FDP relied heavily on donations from industry, which does not want to expose its contributions to publicity anywhere. Thus, during the fifties and early sixties, the bourgeois majority in the Bundestag showed no intention of taking up the stipulations of the Basic Law. It must be admitted, however, that the matter was legislatively new ground, and that other more important matters demanded priority.

## 2. Delay of the Regulation.

Throughout the 18 years of delay several attempts at regulation were made. As early as 1949, the Zentrum party urged the Federal Government to prepare a draft of a bill. This motion passed the Bundestag unanimously in October 1950.<sup>219</sup> At that time the Ministry of the Interior had already begun to prepare a preliminary draft; in 1952, however, when a second draft was to be decided on by the cabinet, no agreement could be reached.<sup>220</sup> In the following years, work on the election law absorbed all the energies of the Ministry of the Interior; it also dominated public discussion.

The Federal Election Law of 1959 intervened in an important way into the structure of the parties insofar as the nomination of candidates to the Bundestag was regulated. The law obliges the parties to



nominate the candidates by secret ballot in conventions of the party members or delegates. This anticipated a substantial part of party legislation, which now did not have to be included in the future law.

Meanwhile, in some Laender, drafts and initiatives were made,<sup>221</sup> which, however, did not develop very far, since the matter is subject to federal legislation according to paragraph 3 of Article 21. The development reached a new phase, after the then Minister of Interior, Gerhard Schroeder, had called a committee of experts in December 1955. He assembled 17 professors--in the majority those of public law, some political scientists, and a historian. Their aim was to submit a report on all questions which touch the problems thrown up by article 21. The report appeared in 1957 and provided an extensive treatment of all legal aspects of political parties, an instructive compilation of regulations in other countries, and comprehensive recommendations on the shaping of the German party law. The proposals on the regulation of the internal matters of the parties, however, comprised only 10 pages.<sup>222</sup>

In the following legislative period the work on the governmental draft, based on the report, progressed quickly. Thus, in May 1959, the first draft was introduced in the Bundestag.<sup>223</sup> It is very likely that the parties in parliament would have reached an agreement on that part of the law which concerns the internal organization. For this part, which is the important one for our discussion, did not much exceed the practice the parties were used to. But the opposing SPD certainly could not give its consent to the totally insufficient regulation of the financial accountability. Therefore, in the legislative period ending in 1961, no regulation was reached. By the end of the subsequent period





(1965), two competing drafts were put before parliament, one from the coalition parties CDU/CSU and FDP, another from the party in opposition, the SPD.<sup>224</sup> Both drafts were in part a repetition of the earlier government bill, but the diverging points were essential. The draft of the coalition parties proposed no naming of donors of political funds, whereas the counter-draft of the SPD provided the naming of all donors of funds exceeding 10,000 DM annually, to be given in an annual financial report. On this point no agreement was possible, and, during the fourth legislative period also, no party law was passed.

The passing of the law in the following period, beginning in 1965, was due to two new factors, that changed the political scene. The first was the decision of the Federal Constitutional Court from July 19, 1966, which outlawed the practice of the public financing of the three parliamentary parties. The second factor was the changed political climate, which grew out of the cooperation of the two big parties in the Grand Coalition after December 1966.

The decision of the Constitutional Court has been vehemently discussed and criticised in politics and law.<sup>225</sup> It declared as unconstitutional the direct state financing of the parties represented in the Bundestag, which had been arranged by means of the general budget since 1959. The Court argued in particular that the political parties could not claim public money for their general educative functions, as the budget title had been labeled, and, secondly, that to give state support to the parliamentary parties only, violated the constitutional principle of equality.



The bourgeois parties had relied a great deal on public funds; in 1964, the CDU to about 45 percent and the FDP even to about 63 percent.<sup>226</sup> Facing the possibility of being cut off from these resources, they were willing to consent to a certain disclosure of donors, which had always been the demand of the SPD. This in turn brought on the agreement of the SPD to a legal regulation of party finance. Thus, supported by the partnership in the Grand Coalition, an all-party bill entered the Bundestag in January 1967.<sup>227</sup> It comprised a state party financing limited to campaign expenses, to avoid the objection of the Constitutional Court. The funds for each party were based on a quota per voter in federal elections. It also comprised the public naming of donors, in particular natural persons (over 20,000 DM annually) and juristic persons (over 200,000 DM). This differentiation again was vetoed by the Federal Constitutional Court one year later, so that now all donations exceeding an annual amount of 20,000 DM have to be named in the annual reports of the parties.<sup>228</sup>

### 3. The Party Law of 1967

In the parliamentary debate on the all-party draft of 1967, the financial accountability was of secondary importance, since all three parties had been cut off from state finance. The financial pressure explains the sudden speed, since between the draft of the parliamentary parties and the final passing of the party law on July 24, 1967, there was only a gap of six months. Within this half year, almost no changes were made in the sections, controversial for years, on state finance and public accountability, because agreements had been reached internally



between the three parliamentary groups in advance. Because of the financial preoccupation, the product has been called a "party finance law", rather than a party law.<sup>229</sup>

In the parliamentary and public discussion the section on the "Innere Ordnung" (internal order) of the political parties took on primary importance. Since 1959 this part has scarcely been modified and has been adopted for all subsequent drafts. In 1967 a number of considerable changes were incorporated, which had originated mainly in proposals of political scientists.<sup>230</sup>

The final law has seven sections,<sup>231</sup> of which the second on the internal order is the most extensive. In the first section, general juridical definitions are given and the political functions of the parties are listed in a rather declamatory fashion. The third section refers only to the application of the Federal Election Law to all questions which concern the nomination of candidates. In the fourth section, public party finance is regulated, which is called "Erstattung von Wahlkampfkosten", in order to conform with decisions of the Constitutional Court. The fifth part fulfils the obligation of the Basic Law toward public accountability of party finance, and the sixth section embodies provisions for the prohibition of anti-constitutional parties. The seventh and last part contains concluding clauses.

In the following paragraphs I will concentrate on the section on the internal order of the parties, although candidate nominations, party finance, and public accountability may also touch problems of the party structure and thus of "responsiveness". But they concern mainly, as has been shown above, the external party democracy vis-a-vis the public,





rather than the internal democracy among the party members, which is my primary concern.

Like the Federal Election Law in its regulation of candidate nominations, the party law, in its provisions on the Innere Ordnung of the parties is based on the principle of the membership party, in which the members at the base, and their delegates at higher levels, decide on party personnel, program, and policy. Rudimentary remains of the concept of the "Waehlerpartei" can only be found in the provision which concerns the allocation of delegates to party conventions. They must predominantly be allocated by a quota based on the membership figures of the delegating party unit. But it is allowed that up to 50 percent of the delegates may be allocated by a quota based on the voting figures of the last general election and in accordance to the votes the delegating party unit obtained. But this provision is of secondary importance, since all delegates are elected by party members or their representatives at lower party conventions. In several respects, the bourgeois parties have assimilated to the classical membership party SPD, but this the following analysis will show.

The provisions of the party law on the internal order first of all oblige the parties to adopt a comprehensive statute which conforms to the law, and second, to adopt a party program; both of which can together with the names of all members of the party executive committee, be requested by any citizen free of charge from the Federal Election Commissioner. This represents a contribution to more political transparency which, however, will probably not be called for very much.



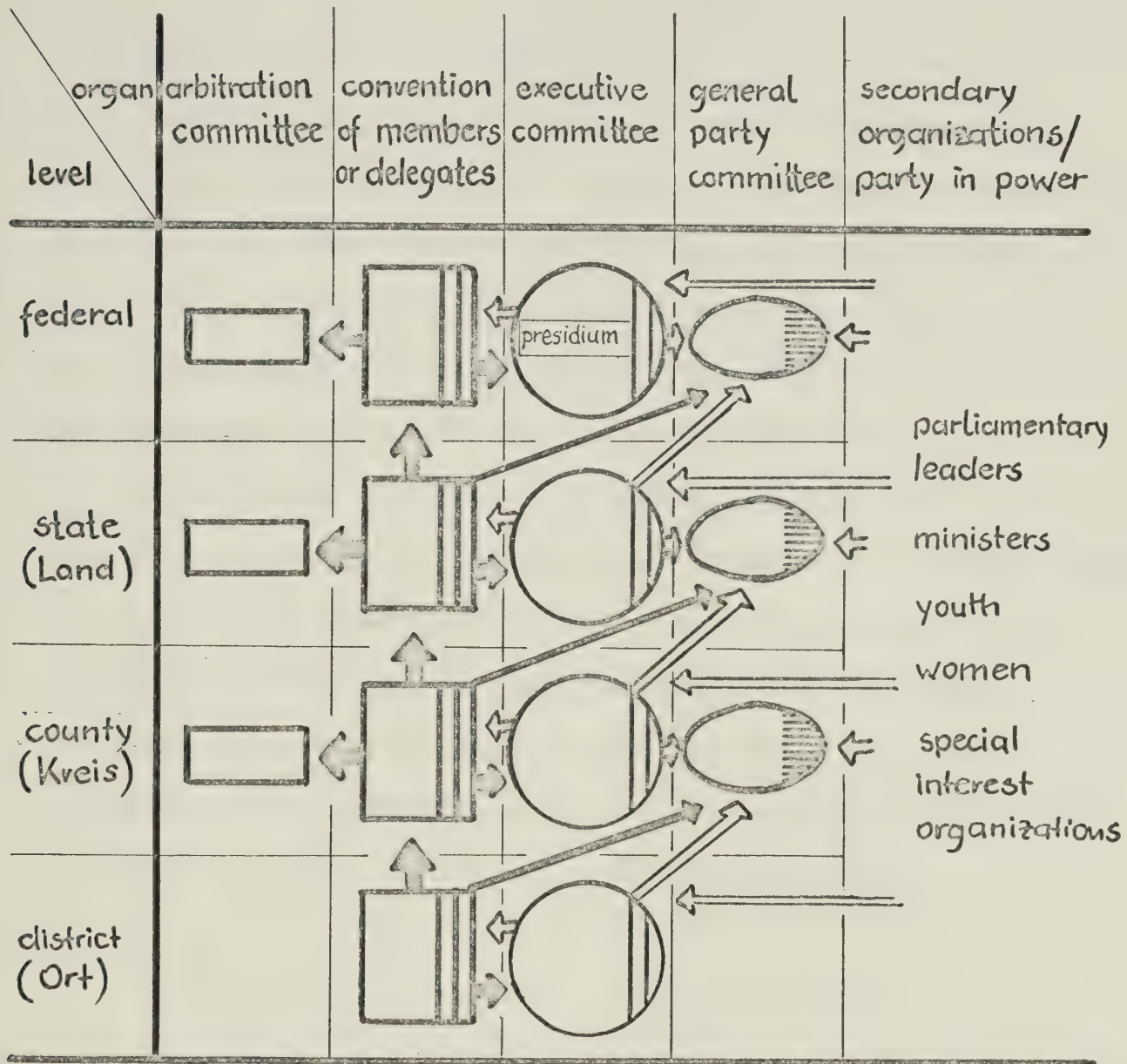
The legal position of the members profited most compared to all former drafts:<sup>232</sup> General admission disability for any groups of people or periods of time is illegal; the rejection of single applicants, however, need not be justified. All members have equal suffrage. The election of executives or delegates must be by secret ballot. The dissolution or merging of the party or any part of it has to be confirmed by a referendum among the party members. All possible sanctions against individual members must be specified and defined in the statute. Expulsion of a member is possible only if he has seriously violated the internal order of the party and thus caused severe damage to the party. Independent arbitration committees can be appealed to against such sanctions, which provide at least two levels of appeal.

Other provisions concern the organizational structure of the parties. A completely centralized party is excluded, since all have to show regional and local sub-divisions. For these sub-divisions see the rows in figure 5.

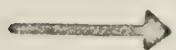
The highest organ at each level is the party convention of members at the base and of elected delegates elsewhere. The representation of the members, however, is restricted by the possibility that up to one fifth of the convention can be provided by members *ex officio*. The right to put motions to the party conventions is given to at least the two lower levels of the regional sub-divisions. The party conventions must meet biennially. They elect the executive committee, the arbitration committee, and decide on the party program and statutes. Up to one fifth of the executive committee may also be composed of members *ex officio*.



Figure 5: Diagram of the Formal Party Organization According to Provisions of the German Party Law.



(Source: Adapted with modifications from Zeuner, op. cit. p. 53)



= elects



= delegates ex officio



= ex officio quota up to 1/5



= ex officio quota up to 1/3





Besides the party convention and the executive committee, all three parliamentary parties have an intermediary organ, a general party committee, called in the CDU "Bundesausschuss", in the SPD "Parteirat", and in the FDP "Bundeshaupatausschuss". These general party committees have important powers between the meetings of the party conventions, but they are different in the three parties. Common to all is that they represent regional organizations, secondary party organizations like youth, women, or special interest groups, and also representatives of the party in office, i.e. members of the governments and parliaments. Thus, the parties permitted themselves through the party law an ex officio quota of up to one third for these organs.

Thus taken together the German party law is more than a nonbinding collection of proclamations. There are fairly concrete provisions governing the party structure and the position of the members. Of course, the framers of this law did not base their work on a concept of "responsive political parties", but nevertheless some changes caused by provisions of the party law may have a democratizing effect.



## XI. EFFECTS OF THE PARTY LAW ON PARTY STRUCTURE

### 1. Procedures

In this analysis of the effects of the party law on party structure, I first compare the statutes of the parties before and after the law.

The three nationwide organized parties, which are represented in the Bundestag, the SPD, CDU, and FDP, have been selected for this investigation. The reasons for this choice are obvious, since other, smaller parties do not play any considerable political part in the Federal Republic. The Bavarian "Schwesterpartei" of the CDU, the CSU,<sup>233</sup> has also been excluded, although it is a formally independent party with a special program and statute. But a structural comparison with the other federally organized parties would encounter many difficulties.

This analysis is primarily based on the comparison of the two sets of party statutes from before and after the law. Besides, an interview schedule was prepared to provide supporting evidence.<sup>234</sup> The absence of extensive time and financial resources on the part of the writer prohibited the questioning of a broad representative sample of politicians and members. Therefore a quantitatively very small number of interviews was carried out, in the hope to obtain qualitatively important answers from party politicians who either have leading positions in the party or actively participated in the formulation of the party law.

Party politicians of three levels--the organizational party leadership, the parliamentary group, and the youth organizations--were selected.



Of the first group the three Federal General Secretaries (Bundes-geschaeftsfuehrer) were chosen;<sup>235</sup> of the parliamentary group, five deputies, who had been engaged in the legislative process of the party law;<sup>236</sup> and third, as an institutionalized intra-party opposition group, the leaders of three party youth organizations.<sup>237</sup> All these 11 persons were contacted and successfully interviewed using a pre-formulated questionnaire of ten questions, which mostly provided pre-categorized answers, as well as open-ended follow-up questions.<sup>238</sup>

Several objections can be put forward against the explanatory power of these two data sets. It can be argued that the comparison of the party statutes is irrelevant, since changes in the formal statutes do not indicate with certainty changes in the real structure of the parties. This can only be researched with behavioral methods. Though this may be partly correct some facts support the relevance of the statutes. First of all, the statutes of the German parties in particular give a very detailed description of the formal party organization. An investigation of only these provisions shows strong differences between the parties,<sup>239</sup> which, as other studies suggest, correspond indeed to differences in reality.<sup>240</sup> Beside this, the formal way of getting into party office and power is as important as the actual distribution of power. The former is regulated by statutory provisions on the election procedures, quotas for the composition of organs ex officio and by election, competences of party organs and so on. Finally party statutes can grant the members a legal position which secures them against arbitrary practices and sanctions.





The interview sample is not representative for the parties, and the questions asked are formulated rather generally. But since all persons asked occupied leading positions in the party hierarchy at the respective levels, their answers give important evidence for the assessment of the party law. The short and general questionnaire was necessary in order to get as many returns as possible. Since no sampling technique is involved, no tests of significance are applicable. Variations in the answers indicate the variance in the interviewed population of the 11 leading party politicians only and nothing more, but this is also of some interest.

## 2. Problems

During the last two decades all three German parties have continuously modified their informal and also their formal organizations, which are fixed in the party statutes. After the passing of the party law an extensive re-formulation of the party statutes took place. This raises the question, if by these changes the party leadership was able to formalize oligarchic structures which informally already existed or if the party members made use of the chance to change the parties toward more responsiveness.

On the one hand, it is thinkable that the party leadership groups aspired to the smallest common denominator in drafting the party law, thus that they oriented the all-party legislation to the lowest standard of intra-party democracy found in one of the three. For such a bargain the--according to Michels--natural self-interest of party apparatus and



leadership could be made responsible, groups which seek power maintenance and accumulation. On the other hand, the parties could compromise on a higher standard of intra-party democracy than the lowest of the three. That they do not orient themselves to the highest possible standard is so selfevident that the possibility need not be discussed here. Pressure from the party internal and the general external public could be responsible for a moderate compromise, since an awakened public does not like to give up once gained positions.

To decide between these two alternatives the details have to be investigated. The criteria for this analysis are provided by our concept of responsive political parties. Thus it must be asked, if the changes induced by the party law (1) further political education, new learning, i.e. politization of the party members; (2) increase the autonomy of the units involved; (3) multiply the channels of communication; and if they finally (4) stimulate organized political activity and participation.

Thus it has to be examined first of all, if the institutional factor "party law" did cause any changes in the formal party structures at all. If this is affirmed, the relevance of the changes has to be examined. Are they only of superficial, cosmetic nature, or are they indeed substantial?

### 3. Findings

#### a. General Results

The comparison of the party statutes from before and after the party law answers very quickly the questions whether changes have taken place at all. All three parties have changed considerabley their formal statutes.



It was the most extensive re-formulation the parties have made after the war. SPD and FDP decided on the changes in one package at their federal party conventions in 1968, in Nuernberg and Freiburg. The CDU concerned itself at several conventions with the statutory changes.

Without long discussions the SPD delegates agreed upon the recommendations of a special committee set up for the preparation of the revised party statute.<sup>241</sup> Some interviewed SPD politicians expressed the opinion that this has only been a "redaktionelle Neufassung"<sup>242</sup> and that the SPD needed only to formalise the existing state of affairs,<sup>243</sup> which they believe to be traditionally democratic. Whether this is really the case, will be taken up below.

At the FDP party convention in Freiburg, the statutory changes were discussed more thoroughly than in the SPD.<sup>244</sup> All three interviewed FDP politicians agreed that the changes have democratized the internal structure<sup>245</sup> and strengthened the rights of the members.<sup>246</sup>

The CDU needed the most time for the adjustment of the statutes to the party law. At the party conventions of Braunschweig in 1967 and of Berlin in 1968 the discussion among the delegates was more controversial than in the other parties.<sup>247</sup> Concerning two points, proposals of the party leadership were even voted down: first in the refusal of the Blockwahl for members of the executive committee,<sup>248</sup> and second in insisiting on retaining certain voting rights for the delegates of the (fictitious) Land organizations of CDU refugees and expellees.<sup>249</sup> By several statutory changes the CDU introduced in Berlin a general secretary, who was vested with extensive competences of information and





financial control through all levels of the party. But this innovation was not caused by the party law and thus need not be considered here.

Although all interviewed CDU politicians grant the necessity of changing the statutes after the party law,<sup>250</sup> they alone hold unanimously that the three parties were all along more or less in accordance with the democratic requirements of the Basic Law (see table 1). So the party law and the subsequent statutory changes needed only to formulate the existing practice (see table 2). Asked concretely, however, the majority of the interviewed CDU politicians also agreed that the party members have profited most by provisions of the party law, (see table 3). The inherent contradiction to the preceding answer can perhaps be explained by a statement of Konrad Kraske, when he was asked whether the party law has changed or confirmed the given status: "Die Parteien sind dadurch nicht demokratischer geworden, aber die Rechte der Mitglieder wurden gestaerkt."<sup>251</sup> Behind this reasoning appears to be the belief that democracy represents a principle, which is not improved in quality by small modifications, but only secured and stabilized.

Thus there are undisputable changes, at least formal ones, in the party statutes initiated by the party law. Before we proceed to ask for the content and quality of the changes, we may have a short look at the reasons for the final passing of the law after 18 years of controversies, as they are perceived by the party politicians. There appears a greater variance between the functional than the partisan groups (see table 4).

The party secretaries mention mainly the general controversies, that are inherent in the different structure of the parties. The deputies name, about equally, the financial problems and the difficulty



Table 1: Opinions of Party Politicians about the Fulfilment of the Constitutional Norm to a Democratic Party Structure, by Parties.\*

	SPD	CDU	FDP
1) fully realized	-	3	-
2) on the whole	3	1	1
3) not realized	-	-	1
NA	1	-	1
(n = 11)	(4)	(4)	(3)

\*Question 2: "The norm of the Basic Law in article 21 reads: 'their internal organization must conform to democratic principles.' Do you think that this norm is fully realized by the parties represented in the Bundestag?"

Table 2: Opinions of Party Politicians about the Intentions of the Party Law, by Parties.\*

	SPD	CDU	FDP
1) existing practise regulated	2	3	2
2) transcending ideas realized	1	1	1
3) both	1	-	-
(n = 11)	(4)	(4)	(3)

\*Question 4: "Has the section on the internal organization of the parties regulated rather the existing practise, or has one tried rather to realize transcending ideas?"



Table 3: Opinions of Party Politicians about the Group which Profited Most by the Party Law, by Parties.\*

	SPD	CDU	FDP
1) the party members	2	3	2
2) the party leadership	-	-	-
3) no one of these	1	1	1
NA	1	-	-
(n = 11)	(4)	(4)	(3)

\*Question 5: "The party law was probably designed to meet a compromise between the powers of the leaders and the democratic rights of the members. Do you think that any one of these groups has profited by the party law?"

Table 4: Reasons for the Delay of the Party Legislation as Perceived by the Party Politicians, by Party Functions.\*

	general secretaries	deputies	youth leaders
party finances	1	1	2
public accountability	1	4	2
general controversies	3	-	-
legislative new ground	-	3	-
priority given to more important matters	-	1	-
(n = 11)	(5)**)	(9)**)	(4)**)

\*\* multiple answers

\*Question 1: "The final passing of the law in 1967 was preceded by several bills during 18 years, until the stipulation of the Basic Law was fulfilled. What is responsible for this long working period?"





of an unprecedented legislation. The leaders of the youth organizations put very much emphasis on the financial questions of public party finance and public accountability. The important external reason, i.e. the decision of the Federal Constitutional Court on party finance, is only mentioned by three of the interviewed. The section of the party law, in question here, the internal order, appears thus to have played the least part in the longlasting controversial discussions.

The general evaluation of the changes effected by the party law, whether they are formal or substantial, is scarcely a question which can be meaningfully put to the representatives of the parties. The four criteria of responsive political parties outlined above have to be put to the party statutes.

Without looking closer to the statutes the first criterion can be answered in the negative, that is the question, if political education and politization of the party members, or even a greater public, has been furthered by the party law. For such education can be effected only by institutional devices that intervene deeply in the autonomy of the organization. No such devices are provided in the law. Nevertheless the party law makes an attempt in this direction, in that it demands in its first paragraph when listing the duties of political parties: the parties shall "stimulate and deepen the political education, (and) further the active participation of the citizens in the political life."<sup>252</sup> But of course, this obligation is only of declamatory character. Political consciousness cannot be created by declamatory sentences. It is only



possible to set up, very indirectly, some preconditions which do not hinder the development of that consciousness.

#### b. More Autonomy

The criterion of autonomy in our concept of responsiveness can be seen under two aspects. On the one hand, there is the autonomy of the individual party member, which guarantees him freedom of opinion and protects him against arbitrary measures of the party organization. On the other hand, the criterion of autonomy can refer more generally to the communication structure of the party. In this meaning, Barnes used the term: "a channel is autonomous to the extent that its communications are not externally controlled."<sup>253</sup> The comparison of the party statutes of 1966 and 1968 shows changes concerning both aspects of the criterion of autonomy. First of all provisions concerning individual autonomy are examined.

In the following analysis of the party statutes all provisions of the party law which seem to be important to the party structure, and which may have a democratizing potential--exceeding the usual practice in at least one of the three parties--are numbered and listed collectively in figure 6. The text examines them in detail.

#### Individual Autonomy

(1) Prohibition of general admission disability. This is the only provision of the law<sup>254</sup> which none of the parties introduced in the new statutes. Although this stipulation does not refer to the party members properly defined, it would strengthen certainly the position of potential members who seek admission. But since, by the party law, this provision became existing law such practices would be illegal and void. This assurance, however, does not substitute the



Figure 6: Changes of the Party Statutes Having a Democratizing Potential Initiated by Provisions of the Party Law.

	SPD	CDU	FDP
1. Prohibition of general admission disability.	0	0	0
2. Appeal in the case of refused admission.	++	++	++
3. "Damage clause" in the case of exclusion.	++	++	++
4. Legal remedies in the case of exclusion.	-	+	-
5. Incompatibility of arbitration committees.	++	+	-
6. Secret ballots for the election of executives and delegates.	+0 <sup>*)</sup>	+	-
7. Referenda in the case of mergers or dissolution.	++	0	0
8. Extension of the right to make motions.	-	-	++
9. Election of all delegates by conventions.	+	++	-
10. Abolition of double delegation.	-	++	-
11. Primacy of membership quota in allocating delegates.	-	-	++
12. Reduction of ex officio quota in:			
a) party conventions	-	-	++
b) executive committees	-	++	++
c) general party committees	+	+	+

\* = secret ballots for the election of executives only

++ = newly introduced or considerably improved

+ = somewhat improved

- = already existing or slightly changed

0 = absent though required by the law





absence of the provision in the statutes. For hardly anyone would like to take legal proceedings to get by this way admission to a political party.

(2) Appeal in the case of refused admission. The party law does neither include the possibility to appeal to a higher party organ when admission is refused, nor a written substantiation for refused admission, though this has been demanded from several sides.<sup>255</sup>

Nevertheless SPD and CDU, but not FDP, included in the new statutes the possibility to appeal a refused admission at the executive committee of a higher unit.<sup>256</sup> This possibility to appeal strengthens to some extent the position of the potential party member, but not decisively since no reasons for refusals have to be given at any level. This latter provision would have scarcely caused the feared "Gefahr der Unterwanderung"<sup>257</sup>, which has been given as reason for its rejection.

(3) "Damage clause" for exclusions. One of the most important changes of the final party law, compared to earlier drafts, and in consequence in the party statutes, concerns the regulation of negative sanctions against party members. The report of the committee had suggested that a sufficient reason for exclusion lies "in einer rein objektiven Feststellung der politischen Meinungsdivergenz."<sup>258</sup> In the law, however, the freedom of political opinion and the autonomy of the individual member have been emphasized much more. This was done in particular in that an exclusion shall only be possible if the member "offends wilfully against the statute or seriously against principles or order of the party and inflicts therewith grave damage."<sup>259</sup>



The proviso of "grave damage" already existed in the old FDP statute and is taken from there, but was only an alternative reason for exclusion.<sup>260</sup> All three parties introduced this clause, according to the party law, in their new statutes.<sup>261</sup> The adoption of this limitation of reasons for exclusion was demanded successfully in the public discussion during the debate of the last draft of the law.

(4) Legal remedies for exclusion. An additional improvement in the field of negative sanctions was reached by the provision, in the party law, that an independent arbitration committee has to decide and substantiate all party exclusions with written verdicts. Against these decisions the means of appeal to a higher arbitration committee must be given.<sup>262</sup>

In the old statutes of SPD and FDP these review provisions already existed and were only collected and made more precisely in a special arbitration statute.<sup>263</sup> The procedure in the CDU has improved the legal position of the member, since now an arbitration committee serves as first instance for all matters of exclusion, this function is no longer performed by a local executive committee.<sup>264</sup>

(5) Incompatibility of arbitration committees. The composition of arbitration committees is changed more severely than the legal remedies. The law calls for independent arbitration committees at the two highest regional levels of the parties at least. Their members must be elected directly by party conventions and they must not, which matters more, belong to any executive committee of the party, or get a regular salary from it.<sup>265</sup>



In contradiction to this clause the old SPD statute demanded that the chairman of the federal arbitration committee *m u s t* belong to the federal executive committee, and that the vice-chairman should do so.<sup>266</sup> Such a mixing of party executive and jurisdiction has now been changed in the new statute in favor of the legal provisions.<sup>267</sup>

The CDU has already had a certain incompatibility between federal arbitration committee, executive committee, and general committee in its old arbitration statute of 1959.<sup>268</sup> This old statute has not been changed and is still valid, "insofar as party law and party statute do not controvert."<sup>269</sup> Thus the incompatibility is extended to the provisions of the law.

In the FDP the judicial instances had already been fully independently designed in the old statute. Their members must not "belong to the party organs" at all.<sup>270</sup> This even surpasses the party law. In the new statute, the independence of the party jurisdiction is set up according to the party law.<sup>271</sup>

The legal protection of the party members in the case of negative sanctions of the party organization is undoubtedly improved by the statutory changes resulting from provisions of the party law, and so is his individual autonomy. The most important aspects in this connection seem to me: the "damage clause" in the case of exclusions (point 3), which impede a quick expulsion of maybe only personally odious members by local party leaders and the guaranteed independence of the arbitration committees (point 5). By the election of the members of these committees and their incompatibility, the arbitration column of figure 5 is





really autonomously designed. Some party politicians, however, criticized this general incompatibility on the grounds that only few prominent persons can be found in the party who come into question for an arbitration committee, and who do not belong at any level to an executive committee.<sup>272</sup>

Different necessities for changing the statutes regarding this complex of "individual autonomy" occurred to the parties. The FDP had to change least, merely only to introduce the "damage clause". The SPD moderated its traditional centralism by making the arbitration committees independent. The CDU revised the statutes in almost all of the cited points. Taken together a positive effect of the party law on the statutes can be observed. Although the law certainly does not create internal democracy, the autonomy of the individual party member has been secured.

#### Autonomy of Communication

The general aspect of the concept of political autonomy concerns the openness of the internal communication, and the absence of external controls over the formation of the will of the members and the elected delegates, at all levels of the party. The comparison of the statutes provided three points, stipulated by the party law, which seem to be relevant in this context.

(6) Secret ballots in the election of executives and delegates. According to the party law all elections of executive committees or delegates must be by secret ballot.<sup>273</sup> This general obligation to secret voting even in the smallest local precinct represents undoubtedly a protection against external control. Personal pressures are excluded



at this place--the election of delegates and executives--which is focal to the internal party democracy. The parties have adjusted their statutes differently to this provision.

The new statute of the SPD did not adapt the general formulation of the law. A secret ballot is demanded expressis verbis only in the election of the federal executive committee.<sup>274</sup> But since the statutes of the lower levels have to correspond to the federal, the provision applies analogously. But in the SPD statute there is no regulation of the secret election of delegates to higher levels.

The CDU statute conforms more clearly to the provisions of the party law. In the new statute secret ballot is demanded to the election of executives as well as delegates,<sup>275</sup> which was already provided in the old statute, though formulated less plainly.<sup>276</sup>

The FDP had already fully realized the secret ballot in its old statute, which has now been transferred to the newly established Geschaeftsordnung zur Bundessatzung (standing orders re the federal statute).<sup>277</sup>

Without being asked for, three of the interviewed party politicians expressed criticism to this point. "Certain time-consuming, democratic procedures transferred to the lowest level"<sup>278</sup> would impede the local organizations, and shorten the time of real discussion.<sup>279</sup> Beyond this even the internal opposition of the youth has been strengthened by this, "weil die geheimen Wahlen naechtelange Abstimmungen erfordern und hingezogen werden, bis die berufstaetigen Parteimitglieder oft die Versammlung verlassen haben."<sup>280</sup> Nevertheless--or maybe because of this--this provision is to be appraised positively for the internal party democracy.



(7) Referenda in the case of mergers or dissolution. Each step of delegation in a multi-level, representative system--such as large political parties--channels, influences, and even sifts the flow of communication. Referenda and direct elections avoid a good part of this loss of communication and eliminate external controls. Many trade unions, i.e. complex organizations, similar in many respects to political parties, apply these institutions. But they do so often at the expense of the intensity of communication, since referenda can only decide on a few general either-or questions, and directly elected candidates can be known personally only by few of their voters. But it has still not been decided if the party members are competent enough--this is the decisive question--to participate in crucial decisions of the party organization or of policies of coalition building and alliances. Political scientists of Berlin affirmed this question and consequently demanded to introduce in the party law possibilities of conducting referenda.<sup>281</sup>

The party law embodies indeed the referendum among its provisions, which must be provided in every party statute, but the proviso applies only for such rare, even hypothetical, cases that it is scarcely in congruence with the just mentioned demands.<sup>282</sup> A referendum of the party members shall take place if a party convention has decided to dissolve the party or to merge with another party; this shall apply to the whole party or to a regional sub-unit; the decision of the party convention can thereafter be validated or cancelled. This provision, however, does not regulate what happens in reality to a party which has been declared dissolved by the party convention, but this decision is disapproved by the party membership.





Against the stipulations of the law a referendum cannot be found in the new FDP statute. According to the old and to the new statute dissolution or merging of the party is possible after the approval of a qualitative plurality at the party convention of the appropriate level.<sup>283</sup> The legal advisor of the FDP of that time explained to the author, that this has been done deliberately contra legem, because of doubts in the realism of that provision.<sup>284</sup>

The CDU statute did not include any provisions for the dissolution or merging at all.

The SPD only introduced detailed rules of procedure of referenda in the case of dissolution and merging.<sup>285</sup> This party certainly did initiate this provision, because it reminds of an historical event, when the SPD of West Berlin prevented by referendum the merging with the KPD to the SED.<sup>286</sup> However, in its present form, the referendum seems to provide no meaningful contribution to the autonomy of communication inside the political parties.

(8) Extension of the right to make motions. A central aspect of the autonomy of communication is the possibility of lower organizational units to articulate their political aims by motions brought forward at the federal party conventions, since these meetings attract a great public and inter- and intra-party attention. The party law extended the minimum requirements, compared to earlier drafts, to the two levels below the federal and demanded that "minorities in particular shall be able to bring their proposals sufficiently to consideration."<sup>287</sup> In this respect, however, the parties have differed traditionally very strongly. Take alone the number of motions brought forward at federal



party conventions; whereas 184 motions were introduced at all CDU meetings between 1950 and 1967, there have been 2.555 at the SPD conventions between 1946 and 1968!<sup>288</sup>

In the SPD all organizational units have traditionally the right to make motions at federal party conventions, thus even the Ortsvereine (local associations), which alone brought forward 37 percent of the 432 motions made at the conventions of 1964 and 1966.<sup>289</sup> A perfect technique of handling these motions, however, mastered by a special committee to review the motions (Antragskommission) took care that of these 432 motions only 58 reached the floor to a vote on approval or rejection; all others have been combined, devolved, removed, or otherwise considered as being "erledigt" (settled).<sup>290</sup> Thus only three motions from all sub-federal organizational units have positively been accepted in 1964 and 1966.<sup>291</sup>

In the CDU neither the old nor the new statute regulates formally the right to put motions. But since the Kreisverband (county organization) is the smallest independent organizational unit, its eligibility can be inferred. In more recent time, especially at the two programmatic conventions in Berlin 1968 and in Duesseldorf 1971, motions of sub-units played an increasing part in the debate. In Berlin there have been 350,<sup>292</sup> more than double than at all preceding conventions.

The FDP is the only party which increased by statute considerably the right to make motions. In spite of only the Land organizations or 25 delegates of the federal convention according to the old statute, now in addition to this all Bezirksverbaende, 5 Kreisverbaende, and the



federal executive committee of the party youth organization Jungdemokraten<sup>293</sup> are eligible to bring forward motions at federal conventions.

Taken as a whole the changes of the statutes, which concern the general autonomy of communication, are less numerous, and less impressive, than the changes which refer to individual autonomy. This is especially true, since one provision of the party law concerning autonomy can scarcely be judged as an advancement. This is the provision that sub-federal regional organizations can be dissolved, if they have offended seriously against the principle and order of the party.<sup>294</sup> Only the

CDU has had such a proviso in its old statute and transferred it modified to the new one.<sup>295</sup> The other parties did not introduce such measures,

since--as Gerhard Jahn explained in the debate on the new statute--it does not correspond to the democratic tradition of the SPD.<sup>296</sup> Among the other three points concerning party autonomy, which have been examined above, a number of shortcomings remain. The SPD did not introduce the secret ballot for the election of delegates; the referendum demanded by the law does not make much sense in its present form; and the right to make motions, already guaranteed in the SPD, has only been formally changed in the FDP. Under these circumstances a predominantly negative evaluation has to be given to this area of general autonomy of communication within the parties.

### c. Multiplication of Communication

The third criterion of responsive political parties, after political education and autonomy, concerns the existence of multiple channels of communication. The differentiation between provisions which apply more to the aspect of autonomy, and those influencing more





the multiplicity of communication channels, is often difficult to maintain and sometimes arbitrary. Thus the right to make motions at party conventions can also be viewed as one of several channels of communication and thus incorporated in the following section. On the other hand, the ex-officio membership in elected organs, with which the following section deals, can also be regarded as an external control of communication, and thus of its autonomy. Both criteria are interdependent; they are considered in separation mainly in order to bring some order to the numerous provisions and to make the discussion more transparent.

All changes in the party statutes which are reported in the following paragraphs, concern the composition of decision-making units. The intra-party communication has two directions, vertical and horizontal, as the rows and columns in the diagram, figure 5, indicate. The vertical communication between members of decision-making units at lower levels and those of higher levels can be increased and multiplied, if the most possible members of higher decision-making units receive their mandate by an uninterrupted chain of elections with the least possible number of links, i.e. steps of delegation. The horizontal communication on the other hand, can be increased by cooptation, ex-officio membership in higher party units, and by accumulation of authorities in one person. This, however, hinders responsiveness as well as responsibility and transparency of organizations.<sup>297</sup>

(9) Election of all delegates by convention. The party law demands that all delegates to higher party conventions must be democratically elected at meetings of party members or elected conventions



of delegates.<sup>298</sup> This is an obvious pre-requisite of the democratic legitimacy of party conventions. However, it has not been fulfilled by all parties before the party law was established.

The FDP only had in its old statute clear provisions that all delegates to higher party organs must be democratically elected at the appropriate party conventions.<sup>299</sup>

In the SPD statute of 1966 the formulation was not so clear. The delegates were to be elected "in den Bezirken",<sup>300</sup> but in the new statute this was changed to: "von den Bezirksparteitagen."<sup>301</sup> Nevertheless the latter procedure of electing delegates already existed in the most of the 22 SPD Bezirke before the statute was changed.<sup>302</sup>

Important changes can be observed in the statutes of the CDU. In the old statute the procedure of appointing the delegates of the Land organizations was not indicated.<sup>303</sup> This has been supplemented now by the provision that the delegates are elected by the Kreis or Land party conventions.<sup>304</sup> Indeed until 1967 the majority of the CDU Land organizations used the inexact old formulation of the statute, and selected the delegates by general party committees or even executive committees.<sup>305</sup> But asked by Dittberner, most of them announced changes in the near future to meet the demands of the new federal statute.<sup>306</sup> This represents a substantial improvement of the vertical channels of communication, and at the same time an adjustment to the higher standard of the two other parties.

(10) Abolition of double delegation. Another special feature of the CDU has been made impossible by provisions of the party law. Expelled people of the former German eastern provinces, which regarded themselves



as CDU members, and refugees of the Soviet Zone, the DDR, which had adhered to the CDU there, formed a special sub-organization within the CDU of the Federal Republic. In former statutes this organization was equipped with similar rights as the regular regional organizations, although its members served also as regular CDU members and were, thus, twice represented at party conventions.<sup>307</sup> This double delegation, however, contradicts the principle of equal suffrage of the party law. At the party convention of Berlin in 1968, representatives of the "Exil-CDU" succeeded in restoring at least something of the special suffrage in matters of secondary importance. They appealed with strongly emotional arguments successfully to the majority of delegates, although the party leadership had recommended a total abolition of the special provisions.<sup>308</sup> By this a certain remainder of the double delegation was retained in the new CDU statute.

(11) Primacy of membership quota in allocating delegates. The provision of the party law that delegates to higher party organs must be mainly, at least to the extent of 50 percent, allocated by a membership quota per delegation unit,<sup>309</sup> did only cause the FDP to make a statutory revision.

In its old statute the delegates were selected "primarily according to election figures". This is changed now into "not exceeding the half" of the delegates. Therefore this party used literally the provisions of the law and allocates 200 party convention delegates according to membership quota and another 200 to a voters' quota.<sup>310</sup>

The originally pure voters' quota of the CDU had already been changed in 1956 in favor of a provision, which resulted for instance for





the convention of 1965 in 290 delegates allocated by membership quota and 165 delegates distributed by voting figures.<sup>311</sup> This was in accord with the law and needed thus not to be changed.

The SPD has during its whole history allocated its delegates according to membership figures. Although the allocation of delegates by voters' quota blurs the primacy of the party members, it does not essentially modify the internal communication.

(12) Reduction of ex-officio quota. Among the criteria of formal democracy, the principle of the election of all leading and representative position is one of the most essential. But unfortunately the party law did not confirm this principle. At all three major party organs, except the judicative (cf. figure 5), a participation of members ex-officio is allowed. All three parties, but in different bodies, used the allowances of the law and incorporated provisions for ex-officio membership. The exact quotas are given in table 5.

(a). Party conventions. The ex-officio right to vote at party conventions--legally the "highest organs" of the parties--restrains the representation, obscures the intra-party separation of powers by granting the right to vote to the executives, and thus reduces the channels of communication of the lower party units. The party law allows a share of ex-officio voting members at party conventions of up to one fifth.<sup>312</sup> Therefore the incumbent executive committee only needs to strive, if it uses the possibilities of the law and holds 20 percent of the votes, for another 31 percent of the delegates to get re-elected. Thus, Zeuner puts it rightly: "Das ex-officio Stimmrecht verringert die Chance des innerparteilichen Machtwechsels."<sup>313</sup> There are a number of arguments



Table 5: The Share of Members ex-officio in Federal Party Organs Before and After the German Party Legislation. (Numbers in Brackets Represent the Total Membership of the Party Organs.)

	SPD		CDU		FDP	
	1966	1968	1966	1968	1966	1968
party convention (Bundesparteitag)	12.3 % (342)	12 % (341)	0 (594)	0 (572)	12 % (292)	0 (400)
executive committee (Bundesvorstand)	0 (33)	0 (32)	76 % (50)	10 % (30)	48 % (34)	3 % (33)
presidency / managing executive committee (Praesidium / Geschaefts- fuehrender Vorstand)	0 (10)	0 (11)	8 % (13)	27 % (11)	71 % (17)	11 % (9)
general committee / council (Bundesausschuss/ Parteirat)	100 % (84)	21 % (82)	46 % (185)	33 % (135)	35 % (90)	12 % (142)



for these provisions; most frequently the greater expert knowledge and political experience of leading politicians is brought forward. But these arguments seem to me of a rather apologetic nature to cover the primary aim, the strengthening of the leadership positions.

Already in the prewar SPD Ernst Eckstein rejected the, to that time, extensive ex-officio right to vote at party conventions which was granted to members of the executive committee, to the Kontrollkommission, to deputies, and referees.<sup>314</sup> After the war this provision was still an object of frequent attacks at party conventions. This did not cause its abolition, but at least a reduction, of the ex-officio vote of the deputies and the members of the general party committee.<sup>315</sup> Since the party law allows for a maximum of 20 percent, the SPD retained the ex-officio right to vote of the executive committee and the Kontrollkommission, which totals about 12 percent of the convention votes.

Since the foundation of the federal organization in 1950, the CDU did not have ex-officio votes at its federal party conventions. But the same does not apply to the party bodies which elect the delegates to the federal congress, the Land and Kreis party conventions. At these levels a high share of ex-officio votes used to exist;<sup>316</sup> and it is still considerable.<sup>317</sup>

Only the FDP changed its statute in this respect. Although the ex-officio share of 15 percent in the old statute would have been in accordance with the demands of the law, it was decided to abolish the right to vote of the executive committee completely.<sup>318</sup> But in the FDP also--as in the SPD, by the way, too--the statutory right to vote of executives is rather the rule than the exception at lower party levels.<sup>319</sup> At these





lower levels, however, the adjustment of the statutes to the federal will take some time so that final statements cannot be made.

(b). Executive committee. The party law grants to the executive committees a maximum share of one fifth of ex-officio members.<sup>320</sup> The executive committees of the three parties are without exception rather voluminous bodies of about 30 members in 1968, who can scarcely execute leadership functions continuously. There is one argument in support of certain ex-officio quotas in these bodies, which seems to be worthy of consideration; this states that this provision facilitates that all wings and factions of the large parties are represented in the executive committees.<sup>321</sup> But in contradiction to this argument the SPD has never needed non-elected members in the leadership group. Taken seriously, this argument would have far reaching consequences. If the intra-party groups are really to be represented proportionally in the executive committees, then the election has to be conducted according to a system of proportional representation with transferable votes. By this all groups would get an open chance to get representation in the executive committees. This has been exactly the demand of Ernst Eckstein in the prewar SPD. In more recent times, David Edelstein incorporated the application of PR among the factors favoring the development of an effective, intra-organizational opposition.<sup>322</sup> But neither in the debate of the party law nor in the very radical organizational demands of the Jungsozialisten,<sup>323</sup> has the proportional election of executive positions been taken up--nor did the interviewed politicians indicate such desires.<sup>324</sup>

Both parties, CDU and FDP, which have had ex-officio members in their executive committees, diminished the quota after the party law, and hold them below the legal maximum (see table 5).



The executive committees of all three parties contain a smaller body of about 10 members, the presidium or managing executive committee. It represents the real leadership of the party, since for quick and continuous decision-making the whole executive committee is too large and slow. The party law makes no provision for the composition of these bodies.

The CDU statute transfers all three ex-officio members of the executive committee to the presidium,<sup>325</sup> so that the ex-officio share in this body jumps up to 27 percent. This results in a considerable departure from the principle of the election of all leading positions in the highest executive body of the CDU.

In the FDP, there is only one person, the leader of the parliamentary party, who has the right to vote ex-officio in the executive committee as well as in the presidium.<sup>326</sup>

(c). General party committees. In the CDU and FDP these bodies are set up as "second highest"; they exercise the functions of the party conventions between the sessions, i.e. the control of the executive committee and the discussion of important matters.<sup>327</sup> In the SPD, however, this committee, which was named Parteirat in 1958, does not even formally have this function, but rather that of counselling only.<sup>328</sup> This, of course, gets closer to the reality of the other parties, too. The executive committee of the SPD has traditionally been controlled by the Kontrollkommission, a body of nine respected party veterans elected by the federal party conventions. Today, however, this commission has not kept any real importance. The party law allows for general party committees a maximum ex-officio share of one third.<sup>329</sup> All three parties



use the possibility of this provision more extensively than in the case of the other bodies.

According to the old SPD statute the Parteirat was an instrument of the leaders of the Bezirke who were accompanied by up to three additional delegates "elected" by the executive committees of the Bezirke.<sup>330</sup> Additional members of the party council are delegated by the party in power. Thus, the party council contained no direct democratically elected members at all according to the old statute. The new statute demands secret election of about 80 percent of the members of the party council, which have to be carried out in den Bezirken and not "at their conventions."<sup>331</sup>

In CDU and FDP the federal executive committees serve as full members on the federal general party committees. The overall share of ex-officio members in these bodies has been between 46 and 35 percent before the law, and has now been decreased to 33 and 12 percent respectively.<sup>332</sup> The elected members are delegated by the Land and Kreis party conventions. Thus, the general party committees represent a federative element in the party hierarchy.

But in the present form these committees are scarcely the "senate" among the federal party bodies. Three conditions would have to be fulfilled before they can provide real instruments of participation from the regions below and of leadership control: (1) they must have sufficient competence; (2) their decisions must bind the executive committees; and (3) their composition must be independent from the party executive.<sup>333</sup> Although this is far from realization, there have been some considerable advancements since the party law. In all three parties





the ex-officio share has been diminished, and the regular delegates, which have been "elected" frequently by executive and general committees in earlier times, are now legitimized by real elections at lower party conventions.

The opinions of the interviewed party politicians were sharply divided when they were asked about the abolition of ex-officio membership at party conventions (see table 7). Six favored the abolition, among them all three FDP members, four disfavored it, among them three deputies, and only one opted for "worthy of discussion". In face of such strong objections, especially on the side of the deputies, there is no hope that the ex-officio principle will fall in the foreseeable future, although it has been so much under fire from the critics of the party law.<sup>334</sup>

Thus taken together, the ex-officio membership in decision-making bodies of the parties have undoubtedly been diminished by the provisions of the party law, though their remaining number tend toward negative conclusions. For the institution of ex-officio membership limits inevitably the channels of communication which should be available to the party members. At the same time, this institution contributes to the accumulation of offices in one hand, which is also characteristic of oligarchic leadership. Accumulation of offices diminishes the channels of communication insofar as several positions or offices are synchronized in one channel. By the mediation through several levels of delegation, the loss in communication channels is even more serious.

Speaking generally the complex of multiple channels of communication has undergone some positive changes by provisions of the party law, but there are no decisive advances into the direction of responsive political



Table 6: Attitudes of Party Politicians Toward Four Propositions Which Would Democratize the Party Law.\*

	1) at most 3 steps of delegation	2) annual elections/ conventions	3) no ex officio votes	4) refer- enda
positive	3	2	6	5
worth of discussion	7	4	1	3
negative	1	5	4	3
n =	(11)	(11)	(11)	(11)

Table 7: Attitudes of Party Politicians Toward Four Propositions Which Would Democratize the Party Law, Answers Accumulated, by Party Functions.\*

	general secretaries	deputies	youth org. leaders	all
positive	4	4	8	16
worth of discussion	6	7	2	15
negative	2	9	2	13
answers (n = $\frac{1}{4}$ ):	12	20	12	44

\*Question 9: "Would you tell me please, how do you feel about the following concrete proposals which have been made at the hearing? Do you agree to the respective points, do you regard them as worthy of discussion, or do you disagree?"

1. There should be no more than three steps of delegation in the parties.
2. Elections in the party, and party conventions respectively, should take place annually.
3. Elected delegates only should have the right to vote at party conventions.
4. The possibility of carrying out referenda should be established for exceptional political questions."



parties. Concerning one point, which applies also to the communication structure, the party law fell far behind earlier drafts. Party conventions, the central places of party internal communication, need only to be held biennially and not annually, as it has often been demanded.<sup>335</sup> Biennial meetings had been the practice of the SPD. The CDU changed its annual to the biennial minimum requirement, but the FDP kept the annual turn. The party establishment, even of those parties which still hold annual meetings in practice, like the CDU and FDP, opposes to annual meetings, as the negative answers to my questions by the interviewed politicians show (see table 6). A decision-making body which meets biennially for a couple of days, cannot possibly take up the claim to represent the "highest organ".

#### 4. Summary

The German party law of 1967 caused the three parties, SPD, CDU, and FDP, to make a considerable number of statutory changes. In most of the changes, which brought formal improvements of the democratic party structure, the parties adjusted their statutes to provisions which had already existed before the law in one or two of the other parties. There are, however, also provisions of the law realized in the earlier statutes, which now were introduced by all three parties. This concerns especially the improved security against arbitrary exclusions by the "damage clause", and the warranty of secret ballots at all party levels.

Almost all changes of the statutes on the grounds of the party law have in common the tendency to secure and extend the rights of the party members and the democratic party structure--considered, of course,





always under a formal aspect. The only exceptions are the now biennial requirements for party conventions, and the possibility of negative sanctions against dissenting regional organizations introduced by the CDU only.

Thus taken as a whole, the parties did obviously not compromise at the "smallest common denominator". As it has been shown, there are indeed some positive changes, which do not directly flow out of the selfish interests of party oligarchs to maintain existing power. These changes, however, are far from the realization of the concept of responsive political parties. The limitations of all institutional devices in this respect have to be seen realistically. In the complex of political education and politization in particular, legal regulations are unfeasible.

The most substantial changes appear in the complex of individual autonomy. Here, the legal position of the individual member has been improved considerably. Several proposals exceeding the initial draft were realized; not realized, however, was the written substantiation of refused admission. Thus in general, the changes in the statutes caused by the law, which concern the individual autonomy, can be positively judged.

Within the second complex of changes subsumed under the title of general autonomy of communication, some positive points can be found. They concern mainly secret voting on executives and delegates at all levels, referenda in the case of merger and dissolution, and the extension of the right to make motions at party conventions. But these are rather small advances, especially if compared to proposals going far beyond the



realized provisions. Among these the possibility of calling for referenda has been demanded, exceeding the rather theoretical provision of the law. This was demanded, however, not only by critics of the law and of the present party structure,<sup>336</sup> but also by Hermann Schmitt-Vockenhausen, who represents the more conservative wing of the SPD,<sup>337</sup> whereas Karsten Voigt, leader of the SPD Jungsozialisten and thus of an intra-party opposition group, faces this institution with scepticism. He argues that in the present situation referenda could be used by the party leadership for emotional appeals to the "silent majority".<sup>338</sup> Other proposals, which have a potential of extending the autonomy of communication, concern the reduction of the steps of delegation up to the federal executive to a maximum of three<sup>339</sup> in order to diminish the inevitable loss of communication at each step of delegation. The interviewed politicians did not really know what to do with this question and avoided a decisive answer, maybe because the question was put without explanation (see table 6). Furthermore it was demanded that the Antragskommissionen, which review the motions made for the conventions, be elected at the meetings themselves by the delegates, instead of being set up by the party leadership in advance;<sup>340</sup> this demand should serve as a control against the manipulation of motions by the leadership. Moreover the democratic election of all paid party functionaries, now appointed by the party apparatus, was demanded to secure the local autonomy of lower units;<sup>341</sup> and finally there was demanded the election of delegates to higher bodies by proportional representation, to safeguard the rights of minorities.<sup>342</sup> Although all these proposals are obviously not utopian, they had no realistic chance of entering the party law. They can only be



discussed in single parties or sub-units of them. Thus the general autonomy of communication has only slightly been improved by single changes. Many other proposals have been put aside so that a positive balance cannot be drawn.

The third complex of changes concerning the existence of multiple channels of communication has also encountered certain improvements. The principle of the election of all delegates has been introduced, double delegation has been outlawed, and ex-officio memberships in party conventions, executive committees, and general party committees have been considerably reduced. But despite of frequent criticism this latter institution survived in principle. Another point, the biennial turn of party conventions, falls even behind earlier drafts. Thus the changes in this complex of multiple channels of communication cannot be characterized as decisive, although in several respects only two parties would have had to adjust to the more progressive practice of the third party to provide a more positive result. So, for instance, in the CDU elected delegates only have had the right to participate in federal party conventions, and in the SPD the executive committee never had ex-officio members. In this field, therefore, a compromise at the smallest common denominator has been made, on the other hand, the parties, who had smaller ex-officio shares before the law, did not extend them to the maxima allowed by the law. As a matter of fact the findings do not indicate that the channels of communication have been multiplied by statutory changes initiated by provisions of the party law.

There are, however, proposals radically exceeding the usual organizational practice. The most striking demands have been made by the





Jungsozialisten, the SPD youth organization, dissenting considerably from the general party line. At the congress of 1969 in Munich they proposed among others: abolition of the principle of establishing an executive committee in favor of a collectivity of executive members with equal rights; retrenchment of the accumulation of functions in one person; separation of party and public mandate; and a limitation of re-election.<sup>343</sup> Heiner Bremer, the leader of the Jungdemokraten, the FDP youth organization, also advocates a limitation in time for all party functions.<sup>344</sup> His long-range goal is to reduce oligarchic tendencies and personal "dynastic power", at the local level in particular, by a rotation of functions. This institution of a rotation of functions seems to me extremely promising as a feasible step towards more responsive parties. Very sporadically, a few experiments of this institution at local SPD and FDP branches are already in existence.<sup>345</sup> However promising these attempts might be, they are not being considered for legal regulation; and this was not the intention of their advocates.

The utopian character of these demands becomes apparent especially if they are confronted to the answers of the interviewed party politicians. In about one third of all answers the fairly moderate proposals made in question 9 of my interview schedule (see table 7) were rejected; only about another third reacted positively; and the last third opted for "worthy of discussion", i.e. remained indifferent. It is an interesting feature in this respect, however, that not the general secretaries of the parties, as it might have been hypothesized, but the deputies choose the negative answers most frequently. Besides this, the differences in the partisan orientations of the questioned politicians provide less considerable variation.



It is impossible to sum up the statutory changes made by each party (see figure 6), and proclaim that party to be the most democratic which made the smallest number of changes to meet the legal requirements. This is impossible, because the quality of each change cannot be allocated by objective measures. But it can be rightfully maintained that the CDU changed its statute most remarkably to come up to the provisions of the party law. But both of the two other parties were induced by the law to change considerable points of their statutes; the FDP those provisions in particular which concern the ex-officio membership in higher party bodies, the SPD those which secure the individual autonomy of the party members. Thus, however, while these changes fall short of the concept of responsiveness, it can be concluded that the adjustment of the statutes to the law, in any one of the parties, was obviously not only a "redaktionelle Neufassung"<sup>346</sup>

##### 5. Proposed Future Amendments

Soon after the new statutes had been set up according to the provisions of the party law, considerations emerged--especially among representatives of the SPD--to "simplify" certain paragraphs of the law which were "too complicated" for the day-to-day work of the parties.<sup>347</sup> These internal party discussions reached the public by an article of the news magazine Der Spiegel in September 1970. A special committee of the SPD presided, over by Hermann Schmitt-Vockenhausen, proposed a number of changes of the party law concerning especially a simplification of the exclusion of party members, the reduction of the incompatibility of members of the arbitration committees, and a moderation of the secret elections at lower party levels.<sup>348</sup>





Within the SPD the report of this commission encountered immediately the declared resistance of the Jungsozialisten in particular, who formulated their opposition in a resolution passed at their federal congress of Bremen in December 1970.<sup>349</sup> An official statement of the SPD executive committee providing a detailed critique of the radical resolutions of the Jungsozialisten confirms the existence of the "working group for the amending of the party law", but denies that there are any attempts to "de-democratize" the party law.<sup>350</sup> The three factual denials, however, indirectly concede these "simplifying" changes criticized by the SPD youth: (1) secret elections should no more be generally mandatory, but could be demanded by minorities; (2) members of executive committees should not in all cases be excluded from arbitration committees, but mainly at the same level; (3) not only "grave damage" but also the expectation of damage to the party should serve as a reason for the exclusion of party members. This last provision in particular would mean a complete dilution of the legal position of the individual party member. Exclusion "in expectation" of damage to the party approaches preventive legal measures, which are incompatible with constitutional principles.

Like great parts of the SPD, representatives of the other parties also view amendments of the law with criticism and hesitation. In the interview, the general secretary of the CDU, Bruno Heck, was not aware of any "urgently necessary changes", and the CDU deputy Ernst Benda saw "keine Reformvorschlaege, die ich befuerworten, oder die nach meiner Meinung im Bundestag eine Mehrheit finden wuerden."<sup>351</sup> Nevertheless, all three parties are engaged in pre-parliamentary contacts on amending of the





party law,<sup>352</sup> which were, however, still in a state of discussion at the time this present study was finished (May 1971).

Three aspects of this discussion seem to me of importance in our present context, and this is the reason for mentioning these still rather preliminary considerations. The first interesting feature is that the changes are obviously initiated and urged not by the bourgeois parties, but by the SPD, which fears the danger of infiltration through too legalistic rights of the members; second, despite of the end of the Grand Coalition the principle to compromise on all matters of party legislation in advance in the pre-parliamentary field, and to introduce nothing to the floor of the Bundestag that is still controversial has been maintained; and thirdly and prominently, the interest in "simplifying" the intra-party procedures regulated by the party law gives an important evidence for the fact, that not only formalistic changes have been made, but also some innovations, which are indeed uncomfortable to the party leadership in that they "complicate" the usual practice of the parties. I am convinced that this represents a clear support for my thesis that the institutional device "party law" did influence the real structure of the parties. The hope remains that those groups in the parties who advocate restrictive changes of the party law under the guise of "simplifying", will have indeed, as Benda believes, no majority in the Bundestag.



## XII. FINAL CONCLUSIONS

Since the three parts of this study are rather complex, the argumentation of favored and rejected theories is intensive, and the findings are fairly specific, it seems to me appropriate to conclude this work with a short outline of the arguments, thesis, and findings I have reached. I start with the normative orientation on which this study is based.

### 1.0 Basic values:

1.1 Democratic political activity is a basic human need essential for the development of personality. On the other hand the absence of this activity suggests the existence of manipulative forces, which make for false consciousness and alienation.

1.2 A general democratic structure is only reached by an analogous constitution of all societal collectivities involved in the system. Democracy cannot be restricted to the method of choosing governmental decision-making bodies.

1.3 Democracy can only be understood--for the foreseeable future--as an approximation to these ideal norms; it is not a once and for all established method.

These are the normative premises, basic for my concept of democracy in general. Derived from them are three assumptions, which condition my general orientation in political research.

### 2.0 Research premises:

2.1 Democracy should serve as the primary goal in socio-political analysis, beside it other goals are of secondary importance, as for instance system maintenance, stability and equilibrium.



2.2 Political research should concern itself primarily with basic human needs, when doing basic research, and with pressing political problems, when doing applied research.

2.3 Political research which feels responsibility for democratization should place a strong emphasis on the potentials of a salient socio-political collectivities and organizations, since democracy is a group-phenomenon; voting by relatively isolated individuals is only a rudimentary act of democratic activity.

All these values and premises are only pre-conditions for this piece of research. They say nothing about its specific aims. They are valid for a wide area of responsible political research. My specific topic is related to the general premises by the following working assumptions, which I make about political parties.

3.0 Working assumptions:

3.1 Political parties are focal institutions in almost all political systems, particularly in developed industrial societies.

3.2 Present political parties are not characterized by a high standard of internal democracy.

3.3 Democratization of political parties furthers democracy in general.

After a discussion of all these assumptions, my concept of "responsive political parties" is outlined. Proceeding from three "emancipatory functions" of political parties--educative, communicative, and stimulating organized political activity--I compare two older concepts of intra-party democracy, the radical council model versus the realistic model of competing elites. The shortcomings of both lead to my concept of responsiveness--adapted partly from Barnes and Etzioni.





- 4.0 Responsive political parties are those,
- 4.1 which take into account the needs of the membership for direct participation in decision-making,
- 4.2 by favoring new learning,
- 4.3 providing multiple autonomous channels of communication,
- 4.4 and stimulating, thus, organized political activity.

Some final remarks on the problem of operationalizing this concept and on the applicability of the concept to parties with clearly defined membership only, conclude the first part of this study, and thus the theoretical argumentation.

The intervening section on the impact of institutions on political parties and particularly on party structure, is based upon the following thesis:

- 5.0 The manipulative potential of institutions makes them an important factor in the search for possible change, more so than socio-economic and behavioral factors.

A look at the literature on the subject suggests that party research has been mainly preoccupied with the examination of the impact of institutions on party systems and ideology. Concerning the impact of institutions upon the internal structure of parties, a comparative overview suggests:

- 6.0 Institutions and party structure:
- 6.1 The factors in question can be divided into indirect factors designated without a previous calculation of the consequences for the parties, and indirect ones, which take the impact on parties consciously into account.



- 6.2 Among the indirect factors, a presidential system, the existence of federalism, and the adoption of a single-member-district plurality electoral system seems to favor incohesive and/or decentralized parties.
- 6.3 On the other hand parliamentarism, unitarism, and proportional representation are more often associated with cohesive and/or centralized parties.
- 6.4 Concerning the direct factors, some of the diverse specifications of election laws, particularly partisan ballots and nominations by convention, favor cohesive and/or centralized parties,
- 6.5 whereas non-partisan ballots and nominations by direct primaries are associated with the opposite.
- 6.6 The impact of the legal regulations of party finance and of party laws on party structure is too little investigated to allow for similar hypotheses.

This overview rarely introduced empirically tested hypotheses, but merely broad conjectures on the relation of institutional factors and party structure, which are too diffuse to allow for an application of criteria derived from the concept of responsiveness.

The introduction of hypotheses is attempted in the last part on the German party law. Proceeding from some remarks on the German tradition of party democracy, the development of the party legislation is outlined and the resulting law of 1967 introduced. It was attempted to assess the effect of the law on party structure--in terms of the concept of responsiveness--by a comparison of changes in the party statutes before and after the law, and the attempt was supported by a small elite survey



of party leaders and deputies. The findings in terms of criteria of the concept of responsiveness suggest:

## 7.0 Findings:

7.1 The party law did not effect political education and new learning, and was not supposed to do so.

7.2.0 Autonomy of communication has been positively influenced by the party law.

7.2.1 Especially the changes summed up under "individual autonomy" improved the legal position of the member and secured to some extent his freedom of opinion and expression.

7.2.2 Autonomy of communication in general was only mildly positively affected, for instance through the enlargement of the competence to lower party levels to make motions at federal party conventions.

7.3.0 The channels of communication available to the members have been extended to some degree only.

7.3.1 This holds for the adoption of elections for all delegates, for the abolition of double-delegation, and for the reduction of ex-officio membership in party organs.

7.3.2 But the actual changes fall very short of exceeding propositions demanding especially the total abolition of ex-officio membership in party conventions and executive committees.

Thus, although the changes in the party statutes are no reason for enthusiasm, at least the improvements exceed by far the few restrictive changes, particularly requirement for only biennial party conventions, and the possibility of sanctions against dissenting regional sub-units. It may be concluded that there has not been merely an inter-party





agreement "on the smallest common denominator", but instead some kind of progressive compromise. The changes in the party statutes effected by the German party law represent a few steps towards responsive political parties, not away from them. It is hoped that coming amendments of the law will continue the steps forward, and will not dilute it by an alleged simplification of too complicated procedures.



## FOOTNOTES

1. Cf. Frieder Naschold, "Demokratie und Komplexität. Thesen und Illustrationen zur Theoriediskussion in der Politikwissenschaft." Politische Vierteljahresschrift, Vol. 9 (1968), pp. 494f.
2. Cf. Theodor W. Adorno et al. (eds.), Der Positivismusstreit in der deutschen Soziologie (Soziologische Texte, Vol. 58), Neuwied: Luchterhand, 1970.
3. Christian Bay, "Politics and Pseudopolitics. A Critical Evaluation of Some Behavioral Literature", American Political Science Review, Vol. 59 (1965), 1, p. 4; cf. also A. Etzioni, "Basic Human Needs, Alienation, and Inauthenticity," American Sociological Review, Vol. 33 (1968), pp. 870-85.
4. Peter Bachrach, The Theory of Democratic Elitism, Boston: Little Brown, 1967, passim.
5. David Easton, "Continuities in Political Research: Behavioralism and Post-Behavioralism." Report to the Eighth World Congress of the International Political Science Association at Munich, Sept. 1970. Cf. also Easton's Presidential Address: "The New Revolution in Political Science", American Political Science Review, Vol. 63 (1969), pp. 1051-61.
6. Joseph LaPalombara and Myron Weiner, "The Origin and Development of Political Parties," in their (eds.): Political Parties and Political Development, Princeton: University Press, 1966, p. 14.
7. Cf. most of the works of Stein Rokkan concerning mainly enfranchisement and voting turn-out, as the most recent: Stein Rokkan et al., Citizens, Elections, Parties: Approaches to the Comparative Study of the Processes of Development, Oslo: Universitetsforlaget, 1970. Turn-out is also the main variable in the special issue of the International Social Science Journal, Citizen Participation in Political Life, Vol. 12 (1960), No. 1; turn-out is less dominant as variable in Lester W. Milbrath, Political Participation: How and Why People Get Involved in Politics? Chicago: Rand McNally, 1965, and Robert E. Lane, Political Life: Why People Get Involved in Politics, New York: Free Press, 1959.
8. This is one of four strategies set up by Robert A. Dahl, Pluralist Democracy in the United States. Conflict and Consent, Chicago: Rand McNally, 1967, p. 155.
9. Toward a More Responsible Two-Party System. A Report of the Committee on Political Parties of the American Political Science Association, New York: Rinehart; 1950.



10. Austin Ranney, "Toward a More Responsible Two-Party System; A Commentary." American Political Science Review, Vol. 45 (1951) 2, p. 489.
11. Cf. beside the just cited article of Ranney his book: The Doctrine of Responsible Party Government. Its Origins and Present State, (Illinois Studies in the Social Sciences Vol. 34), Urbana: University of Illinois Press, 1954; Julius Turner, "Responsible Parties, A Dissent from the Floor", American Political Science Review, Vol. 45 (1951), pp. 143-52; T. William Goodman, "How Much Political Party Centralization Do We Want?" Journal of Politics, Vol. 23 (Nov. 1951), pp. 536-61; Murray S. Stedman Jr. and Herbert Sonthoff, "Party Responsibility, A Critical Inquiry", Western Political Quarterly, Vol. 4 (Sept. 1951), pp. 454-86; not to mention the discussions in the general party literature.
12. Moisei I. Ostrogorski, Democracy and the Organization of Political Parties, Chicago: Quadrangle Books, 1964 (First published London, 1902), and Robert Michels, Political Parties. A Sociological Study of the Oligarchic Tendencies of Modern Democracy, New York: Dover 1959 (First published in German, 1911).
13. See the excellent critique in Robert T. Golembiewski, William A. Welsh, and William J. Crotty, A Methodological Primer for Political Scientists, Chicago: Rand McNally, 1969, pp. 361-88.
14. Rolf Ebbighausen, Die Krise der Parteiendemokratie und die Parteiensoziologie. Eine Studie über Moisei Ostrogorski, Robert Michels und die neuere Entwicklung der Parteienforschung, (Soziologische Abhandlungen, Sozialwissenschaftliche Schriftenreihe Freie Universität Berlin, No. 11) Berlin: Duncker und Humblot, 1969, passim.
15. Op. cit., p. 25.
16. Michels' utterly dominant fixation on the dychotomy between leader and masses together with his traditional mass psychology makes his change to an apologist of the "Führerstaat" very understandable; compare Frank Pfetsch, "Die Entwicklung zum faschistischen Führerstaat in der politischen Philosophie von Robert Michels", Diss. Heidelberg, 1964.
17. Ebbighausen, op. cit., p. 12.
18. Golembiewski et al., op. cit., p. 362.
19. The discussion is only mentioned in Frederick C. Engelmann, "A Critique of Recent Writings on Political Parties", Journal of Politics, Vol. 19 (1957), pp. 423-40.





20. It started with a review of the second German edition of Michels' Political Parties by Alexander Schiffrin, "Parteiapparat und Parteidemokratie", in Die Gesellschaft Vol. 7 (1930) No. 6, pp. 505-28; the publication of a very interesting book on SPD party organization followed, by a group of left wing representatives: Fritz Bieligk, Ernst Eckstein, Otto Jenssen, Kurt Laumann and Helmut Wagner, Die Organisation im Klassenkampf. Die Probleme der politischen Organisation der Arbeiterklasse (Die Roten Bücher der Marxistischen Büchergemeinde, Vol. 2) Berlin: Verlag der Marxistischen Verlagsgesellschaft, 1931; this caused a discussion in the theoretical organ of the SPD: A. Schiffrin, "Kritik an der Organisation", Die Gesellschaft, Vol. 8 (1931), pp. 166-178, Kurt Laumann, "Zum Problem der Aktivierung der Partei", Die Gesellschaft, Vol. 8 (1931), pp. 460-71, A. Schiffrin, "Der Streit um die Parteidemokratie, Erwiderung an Laumann," Die Gesellschaft, Vol. 8 (1931), pp. 472-77; relevant for this discussion of that time is also: Eugen Varga (ed.), Die Sozialdemokratischen Parteien. Ihre Rolle in der internationalen Arbeiterbewegung der Gegenwart, Hamburg: Carl Hoym, 1926; and several articles of George Lukacs, especially his review of Michels: Organisation und Partei, in Archiv für die Geschichte des Sozialismus und der Arbeiterbewegung, Vol. 13 (1928), pp. 309-15.
21. Schiffrin, "Parteiapparat . . . ", loc. cit., p. 508.
22. Ibid., p. 523.
23. For this characterization cf. Varga, op. cit., p. 55.
24. Bieligk et al., op. cit., pp. 62, 145.
25. Among the best methodological critiques of Duverger are: Aaron B. Wildavsky, "A Methodological Critique of Duverger's Political Parties," Journal of Politics, Vol. 21 (1959), pp. 303-18, and Colin Leys, "Models, Theories, and the Theory of Political Parties", Political Studies, Vol. 7 (1959), pp. 127-46. A critique of Duverger's basic assumptions is provided by Georges E. Lavau, Partis politiques et réalités sociales. Contributions à une étude réaliste des partis politiques, (Cahiers de la Fondation Nationale des Sciences Politiques, Vol. 38) Paris: Colin 1953.
26. Maurice Duverger, Political Parties, Their Organization and Activity in the Modern State, New York: Wiley, 1963 (First published in French, 1951), p. 424.
27. Austin Ranney and Willmoore Kendall, Democracy and the American Party System, New York: Harcourt, Brace, 1956.
28. Henry Valen and Daniel Katz, Political Parties in Norway. A Community Study, Oslo: Universitetsforlaget, 1964, and Samuel H. Barnes, Party Democracy: Politics in an Italian Socialist Federation, New Haven: Yale University Press, 1967.



29. Cf. for instance the bibliography of more than 200 pages on post-war German parties alone: Hans-Gerd Schumann, Die politischen Parteien in Deutschland nach 1945. Ein bibliographisch-systematischer Versuch, (Schriften der Bibliothek für Zeitgeschichte, 6), Frankfurt a.M.: Bernard & Graefe, 1967.
30. Herbert Marcuse, Der eindimensionale Mensch. Studien zur Ideologie der fortgeschrittenen Industriegesellschaft, Neuwied: Luchterhand, 1967, (first published Boston, 1964).
31. Ekkehart Krippendorff, "Das Ende des Parteienstaates", Der Monat, Vol. 14 (Jan. 1962), No. 160, pp. 64-70.
32. Johannes Agnoli, Die Transformation der Demokratie, Frankfurt a.M.: Europäische Verlagsanstalt, 1968.
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35. Ibid., p. 440.
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37. Ibid.
38. Ibid.
39. Valen and Katz, op. cit., pp.95-98.
40. See for instance Renate Mayntz, "Oligarchic Problems in a German Party District", in Dwaine Marvick, ed., Political Decision-makers: Recruitment and Performance, New York: Free Press 1961, pp. 138-92; Ulrich Lohmar, Innerparteiliche Demokratie. Eine Untersuchung der Verfassungswirklichkeit politischer Parteien in der Bundesrepublik Deutschland, (Soziologische Gegenwartsfragen, Vol. 18), Stuttgart: Enke, 1963; Ute Mueller, Die demokratische Willensbildung in den politischen Parteien, Mainz: v. Hase & Koehler, 1967.
41. Barnes, op. cit., p. 248.
42. Robert T. McKenzie, British Political Parties. The Distribution of Power Within the Conservative and the Labour Parties, 2nd ed., London: Heinemann, 1967, (first published London, 1955), p. 646.
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44. Cf. Wolfgang Abendroth, "Innerparteiliche und Innerverbandliche Demokratie als Voraussetzung der politischen Demokratie", Politische Vierteljahresschrift, Vol. 5 (1964), pp. 307-38; Ossip K. Flechtheim, "Zur Frage der innerparteilichen Demokratie", Neue Kritik (1962) No. 8, pp. 19-22; Kurt Sontheimer, "Die Herrschaft der Wenigen. Sind die Bundestagsparteien für unsere Demokratie demokratische genug?" Die Zeit, Vol. 23 (April 7, 1967), No. 14, p. 32; and Lavau, op.cit.
45. E. E. Schattschneider, Party Government, New York: Rinehart, 1942, pp. 58, 60.
- 45a Michels, op. cit., pp. 41, 42.
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54. Frank J. Sorauf, Party Politics in America, Boston: Little, Brown, 1968, p. 104.
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57. Marcuse, op. cit., pp. 123-35.
58. Easton, "Continuities . . .," loc. cit., p. 14.
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61. On the one side, classical democratic ideals are reaffirmed and defended by authors like: Peter Bachrach, The Theory of Democratic Elitism: A Critique, Boston: Little, Brown, 1967; Claude J. Burtenshaw, "The Political Theory of Pluralist Democracy", Western Political Quarterly, Vol. 21 (1968), pp. 577-87; Lane Davies, "The Cost of Realism: Contemporary Restatements of Democracy," Western Political Quarterly, Vol. 17, (1964), pp. 37-46; David M. Ricci, "Democracy Attenuated: Schumpeter, the Process Theory, and American Democratic Thought", Journal of Politics, Vol. 32 (1970), pp. 239-67; Jack Walker, "A Critique of the Elitist Theory of Democracy", American Political Science Review, Vol. 60 (1966), pp. 285-95; to this complex, see also the selected articles in Charles A. McCoy and John Playford, eds., Apolitical Politics: A Critique of Behavioralism, New York: Crowell Comp. 1967; on the other side, restatements and more realistic concepts are advocated by: Robert A. Dahl, "Critique of the Ruling Elite Model", American Political Science Review, Vol. 52 (1958), pp. 463-69; from the same author, in response to Walker: "Further Reflections on 'The Elitist Theory of Democracy'", American Political Science Review, Vol. 60 (1966), pp. 296-305; cf. also James W. Prothro and Charles M. Grigg, "Fundamental Principles of Democracy: Bases of Agreement and Disagreement", Journal of Politics, Vol. 22 (1960), pp. 276-94; John Plamenatz, "Electoral Studies and Democratic Theory", Political Studies, Vol. 6 (1958), pp. 1-9.
62. John Dewey, The Public and its Problems, New York: Holt, 1927, p. 143.
63. Ernest Barker, Reflections on Government, London: Oxford University Press, 1942, p. 314; additional accounts in Ranney and Kendall, op. cit.
64. Seymour M. Lipset, "Michels' Theory of Political Parties". pp. 12-13, Introduction to Robert Michels, Political Parties, New York: Crowell-Collier 1962, pp. 1-43.
65. Ricci, op. cit.
66. Bachrach, op. cit.
67. Joseph Schumpeter, Capitalism, Socialism, and Democracy, New York: Harper, 1950, p. 269.
68. Cf. Anthony Downs, An Economic Theory of Democracy, New York: Harper, 1957.
69. Cf. especially Bernard R. Berelson, "Democratic Theory and Public Opinion", Public Opinion Quarterly, vol. 56 (1952), pp. 313-30; also Gabriel A. Almond and Sidney Verba, The Civic Culture: Political Attitudes and Democracy in Five Nations, Boston: Little, Brown, 1965 (first publ. Princeton, 1963), ch. XIII; and Milbrath, op. cit.



70. Except in the cases of corporate membership as in Great Britain and Austria, for instance.
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73. Herbert Tingsten, Political Behavior: Studies in Election Statistics, London: King, 1937, p. 225; cf. also Lane, op. cit., p. 345f; and Seymour M. Lipset, Political Man. The Social Bases of Politics, New York: Anchor, 1963 (first publ. New York, 1960), p. 195.
74. For the causes of the fall of the Weimar Republic, see: Karl Dietrich Bracher, Die Auflösung der Weimarer Republik. Eine Studie zum Problem des Machtverfalls in der Demokratie. Villingen: Ring-Verlag, 4 th ed. 1964.
75. Cf. Walter Dean Burnham, "The Changing Shape of the American Political Universe", American Political Science Review, Vol. 59 (1965), pp. 22-3.
76. Etzioni, Active Society, op. cit., pp. 78-83.
77. Downs, op. cit., p. 34.
78. Seymour M. Lipset and Stein Rokkan, "Cleavage Structures, Party Systems, and Voter Alignments: An Introduction", in S. M. Lipset and S. Rokkan, eds., Party Systems and Voter Alignments: Cross-National Perspectives, New York: Free Press, 1967, p. 5.
79. William N. Chambers, "Parties and Nation-Building in America", in LaPalombara and Weiner, op. cit., p. 93.
80. Cf. Gabriel A. Almond and James S. Coleman, eds., The Politics of Developing Areas, Princeton: University Press, 1960, p. 17.
81. Lee F. Anderson, "Organizational Theory and the Study of State and Local Parties", in William J. Crotty, ed., Approaches to the Study of Party Organization, Boston: Allyn and Bacon, 1968, p. 378.
82. Valen and Katz, op. cit., p. 42.
83. Ibid., p. 43.
84. Barnes, op. cit., p. 16.
85. Frieder Naschold, Organisation und Demokratie. Untersuchungen zum Demokratisierungspotential in komplexen Organisationen, Stuttgart etc.: Kohlhammer 1969, pp. 19-32.
86. A short discussion of this model is given by Ranney and Kendall, op. cit., pp. 58-61.





87. For the recent discussion of the council model, see especially the papers presented to the working group II: "Räte als politisches Organisationsprinzip" of the Annual meeting of the German Political Science Association at Berlin, fall 1969; see in particular: Udo Bernbach, "Rätesysteme als Alternative? Politische Vierteljahresschrift, Sonderheft 2, 1970, pp. 110-138; and Juergen Fijalkowski, "Bemerkungen zu Sinn und Grenzen der Raetediskussion", Politische Vierteljahresschrift, Sonderheft 2, 1970, pp. 139-52; see also: Klaus von Beyme, "Parlamentarismus und Raetesystem--eine Scheinalternative", Zeitschrift für Politik, Vol. 17 (1970), pp. 27-39.
88. Eric Ertl, Alle Macht den Raeten?, Frankfurt a.M.: Europaeische Verlagsanstalt 1968, p. 110; this may be translated like this: The goal of the councils must be this: the thesis of Robert Michels that every organization leads necessarily to oligarchy and to the rule of the elected over the electors, is valid only in capitalism; it has to be their aim to close the gap between ruling and ruled by the abolition of all governing of human beings.
89. See one of the best historical studies on councils: Peter von Oertzen, Betriebsraete in der Novemberrevolution. Eine politikwissenschaftliche Untersuchung ueber Ideengehalt und Struktur der betrieblichen und wirtschaftlichen Arbeiterraete in der deutschen Revolution 1918/19, (Beitraege zur Geschichte des Parlamentarismus und der politischen Parteien, Vol. 25), Duesseldorf: Droste, 1963, p. 10.
90. Seymour M. Lipset, Martin Trow, and James Coleman, Union Democracy: The Internal Politics of the International Typographical Union, New York: Anchor Books, 1962 (first publ. Glencoe, 1956), p. 466.
91. Naschold, "Organisation . . .", loc. cit., p. 30.
92. Lipset, Trow, Coleman, op. cit., pp. 465-468.
93. For discussion of other studies on the model of intraorganizational two-party competition, see Naschold, "Organisation . . .", loc. cit., pp. 38-45.
94. Lipset, Trow, Coleman, op. cit., p. 453.
95. Cf. Bodo Zeuner, Innerparteiliche Demokratie, (Zur Politik und Zeitgeschichte, Heft 33/34), Berlin: Colloquium 1969, pp. 119f.
96. Subtitle of Etzioni, Active Society, op. cit.; for responsiveness, see especially his chapter 18: "Unresponsive Societies and Their Transformation", pp. 503-48.
97. Ibid., p. 504.
98. Ibid., p. 670.
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100. Cf. Georg Klaus, Woerterbuch der Kybernetik, Frankfurt a.M.: Fischer, 1969 (first published Berlin, 1964), p. 537.
101. Barnes, op. cit., p. 16.
102. This is the operational definition of intra-organizational democracy given by J. David Edelstein, "An Organizational Theory of Union Democracy", American Sociological Review, Vol. 32 (1967), pp. 19-31, vide p. 22.
103. Karl W. Deutsch, The Nerves of Government, New York: 1966, p. 230.
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105. Barnes, op. cit., p. 16.
106. Approximately: determination of political direction and selection of personnel; see Wolfgang Abendroth, op. cit., p. 307.
107. Harold F. Gosnell, "Political Parties: Organization", Encyclopedia of the Social Sciences, New York: Collier, 1958 (first publ. 1933), Vol. XI, p. 594.
108. Key, Politics, Parties . . ., op. cit., p. 281.
109. Sorauf, op. cit., p. 82ff.
110. Ibid. p. 104.
111. Clarence A. Berdahl, "Party Membership in the United States", American Political Science Review, Vol. 36 (1942), pp. 16-50, 241-62.
112. Ranney and Kendall, op. cit., p. 212.
113. William J. Crotty, "The Party Organization and Its Activists," in W. J. Crotty, Approaches to the Study of Party Organization, Boston: Allyn and Bacon 1968, p. 248.
114. Edelstein, loc. cit., p. 21.
115. Schiffrin, Parteiapparat . . ., op. cit., p. 523-4.
116. Kurt Laumann, Organisation und Apparat, in Bieligk et al., op. cit., p. 148.
117. Schiffrin, "Parteiapparat" . . ., loc. cit., pp. 523-4.
118. Ernst Eckstein, "Wie soll die Organisation aussehen?" in Bieligk et al., op. cit., 153-179.
119. Leiserson, op. cit., p. 82.



120. Epstein, op. cit., p. 35.
121. Cf. Harry Eckstein, "Political Parties: Party Systems", in International Encyclopedia of the Social Sciences, 1968, Vol. 11, pp. 436-53.
122. Duverger, Political Parties, op. cit., pp. 228; see also his "The Influence of the Electoral System on Political Life", in International Social Science Bulletin, Vol. 3 (1951), p. 314.
123. Ferdinand Aloys Hermens, Democracy or Anarchy? A Study of Proportional Representation, Notre Dame: University Press 1941, passim.
124. Schattschneider, op. cit., p. 69; to this point, cf. also Key, Politics . . ., op. cit., pp. 219ff; in a moderate version this thesis is also advocated by Giovanni Sartori, "European Political Parties: The Case of Polarized Pluralism", in LaPalombara-Weiner, op. cit., pp. 167f; Downs, op. cit., pp. 123ff; and many others.
125. Cf. Key, Politics . . ., op. cit., pp. 219f.
126. Cf. Arend Lijphart, "Consociational Democracy", World Politics, Vol. 21, (1969), pp. 207-25.
127. Critics of Duverger have already been cited in note 25; for Hermens cf.: Eckstein, "Political Parties", op. cit.; Gerhard Lehmbruch, "Wahlreform und politisches System. Zur Methodenproblematik der vergleichenden Forschung über politische Institutionen", Neue Politische Literatur, Vol. 12 (1967), pp. 146-52; and Thomas von der Vring, Reform oder Manipulation? Zur Diskussion eines neuen Wahlrechts, Frankfurt a.M.: Europaeische Verlagsanstalt 1968, pp. 124-8.
128. Cf. the summary of findings in Douglas W. Rae, The Political Consequences of Electoral Laws, New Haven: Yale University Press, 1967, pp. 151-4.
129. Shively did not find evidence of the existence of the "psychological factor", which Rae did not investigate; cf.: W. Phillips Shively, "The Elusive 'Psychological Factor': A Test for the Impact of the Electoral Systems on Voters' Behavior", Comparative Politics, Vol. 3 (1970), pp. 115-25.
130. Lipset and Rokkan, op. cit.; La Palombara and Weiner, op. cit.
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133. Cf. Donald E. Stokes, "Spatial Models of Party Competition", American Political Science Review, Vol. 57 (1963), pp. 368-77.



134. This is also true for the simple operationalization given by William E. Wright, "Ideological-Pragmatic Orientations of West Berlin Local Party Officials", Midwest Journal of Political Science, Vol. 11 (1967), pp. 381-402.
135. See for instance Karl Loewenstein, Der britische Parlamentarismus. Entstehung und Gestalt, Reinbek: Rowohlt, 1964, p. 68.
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137. Harry Eckstein, A Theory of Stable Democracy, Princeton: Center of International Studies (Research Monographs No. 10), 1961, cited here from the reprint in: Eckstein, Division and Cohesion in Democracy. A Study of Norway, Princeton: University Press, 1966, p. 236.
138. Epstein, Political Parties . . ., op. cit., p. 35.
139. Cf. Key, Parties . . ., op. cit., p. 666; Schattschneider, op. cit., p. 126; Ranney and Kendall, op. cit., p. 495.
140. For the Canadian Party system, cf.: Frederick C. Engelmann and Mildred Schwartz, Political Parties and the Canadian Social Structure, Scarborough, Ont.: Prentice Hall of Canada, 1967.
141. Ranney and Kendall, op. cit., p. 494; cf. also Key, Politics . . ., op. cit., p. 299; Leiserson, op. cit., pp. 95, 123; Epstein, Political Parties . . ., op. cit., pp. 31ff.
142. For instance in the German Federal Republic and in Austria.
143. Rae, op. cit., p. 14.
144. Ibid.
145. Hermens, op. cit., passim; Duverger, op. cit., book II.
146. Hermens, op. cit., cited from the German version: Demokratie oder Anarchie? Untersuchungen ueber die Verhaeltniswahl, Frankfurt: 1951, p. 37.
147. Cf. the Norwegian evidence, Valen and Katz, op. cit., p. 40; for a different opinion: Duverger, op. cit., p. 59.
148. Cf. Ranney and Kendall, op. cit., p. 499; Duverger, op. cit., p. 59.
149. Cf. Austin Ranney, "Candidate Selection and Party Cohesion in Britain and the United States", in W. J. Crotty, ed., Approaches . . ., pp. 154f.
150. See Valen and Katz, op. cit., pp. 57ff.
151. Ranney and Kendall, op. cit., p. 499.





152. Epstein, Political Parties . . . , op. cit., p. 32.
153. Cf. Ranney and Kendall, op. cit., pp. 172-4.
154. See the third part of this present study.
155. Epstein, Political Parties, op. cit., p. 43.
156. Cf. Charles R. Adrian, "Some General Characteristics of Nonpartisan Elections", American Political Science Review, Vol. 46 (1952), pp. 766-76.
157. Ibid., p. 772.
158. Walker, J.L., "Ballot Forms and Voter Fatigue," Midwest Journal of Political Science, Vol. 10 (1966), pp. 448-63.
159. Cf. Key, Politics . . . , op. cit., p. 666; Ranney and Kendall, op. cit., p. 496.
160. Pendleton Herring, The Politics of Democracy, New York: Rinehart, 1940, p. 290.
161. Ranney and Kendall, op. cit., p. 497.
162. Cf. Ranney, "Candidate Selection", loc. cit.
163. Epstein, Political Parties . . . , op. cit., p. 215.
164. Ibid., p. 226.
165. Cf. Barnes, op. cit., p. 21; Valen and Katz, op. cit., p. 21; evidence from a number of countries provides Epstein, Political Parties . . . , pp. 225-31.
166. The best English investigation of German election problems is still Uwe Kitzinger, German Electoral Politics, London: Oxford University Press, 1960, pp. 30f.
167. Cf. James Hillson Cohen, "Political Candidate Nominations. A Comparative Study of the Law of Primaries and German Party Candidate Nominating Procedures", Jahrbuch fuer Oeffentliches Recht, Neue Folge, Vol. 18 (1969), p. 499.
168. See among others: V. O. Key, "The Direct Primary and Party Structure", American Political Science Review, Vol. 68 (1954), pp. 1-26; Leiserson op. cit., p. 102; Sorauf, op. cit., pp. 218f; Ranney and Kendall, op. cit., p. 283.
169. Leiserson, op. cit., p. 102.
170. Sorauf, op. cit., p. 217.



171. Key, "Direct Primary" . . .; loc. cit., p. 25; Ranney and Kendall, op. cit., p. 498; Julius Turner, "Primary Elections as the Alternative to Party Competition," Journal of Politics, Vol. 25 (1953), pp. 197-210.
172. Sorauf, op. cit., p. 220.
173. Schattschneider, op. cit., p. 64.
174. For a recent, short overview see: Ulrich Duebber, "Parteienfinanzierung", in Staatslexikon, Vol. 10, Supplementary Vol. 2, Freiburg: Herder 1970, pp. 855-60; and Alexander Heard, "Political Financing", in International Encyclopedia of the Social Sciences, Macmillan-Free Press, 1968, Vol. 10, pp. 235-41.
175. For Great Britain see Martin Harrison, "Britain" in: Richard Rose and Arnold J. Heidenheimer, eds., "Comparative Political Finance", special issue of the Journal of Politics, Vol. 25 (Aug. 1963), pp. 665-78; for Canada cf. Khayyam Z. Paltiel, "The Proposed Reform of Canadian Election Finance: A Study and Critique", Jahrbuch fuer Oeffentliches Recht, Neue Folge, Vol. 16 (1967), pp. 379-409.
176. Cf. for comparisons: Dimitris T. Tsatsos, Albert Bleckmann, and Michael Bothe, "Die Finanzierung politischer Parteien. Ein rechtsvergleichender Ueberblick", Zeitschrift fuer auslaendisches oeffentliches Recht und Voelkerrecht, Vol. 25 (1965), pp. 524-50.
177. Cf. Key, Politics, Parties and Pressure Groups, 4th ed. 1958, p. 553.
178. Duebber, Parteienfinanzierung . . ., op. cit., p. 856.
179. Cf. the contrast of different provisions in Leiserson, op. cit., pp. 120f.
180. For the U.S.A. see Herbert E. Alexander, "Financing Presidential Elections", Jahrbuch fuer Oeffentliches Recht, Neue Folge, Vol. 17 (1968), pp. 573-614; for Canada see Paltiel, op. cit., loc. cit.
181. For instance Costa Rica, Puerto Rico, and, temporarily, Argentina; cf. Duebber, Parteienfinanzierung, op. cit., p. 856; Tsatsos et. al., loc. cit., p. 534.
182. These have been the official arguments in Sweden; see: Hannfried Walter, "Staatliche Parteienfinanzierung in Schweden seit dem Reichtagsbeschluss vom 15. Dezember 1965", Zeitschrift fuer auslaendisches oeffentliches Recht und Voelkerrecht, Vol. 26 (1966), p. 398.
183. Cf. Mohammed R. Kheitmi, Les partis politiques et le droit positif Français, (Bibliothèque constitutionnelle et des Sciences Politiques, Tome 9), Paris: Librairie Générale R. Pichon, 1964, see especially Part Three: Le problème du statut générale du parti politique.



184. Article 4; cited by Kheitmi, op. cit., p. 262.
185. Article 49; cited in Rechtliche Ordnung des Parteiwesens. Probleme eines Parteiengesetzes, Bericht der vom Bundesminister des Innern eingesetzten Parteienrechtskommission, Frankfurt a.M.: Metzner, 1957, p. 98.
186. Cf. Hans-Joachim Trappe, "Die verfassungsrechtliche Stellung der politischen Parteien in Italien", Jahrbuch fuer oeffentliches Recht, Neue Folge, Vol. 18 (1969), p. 173.
187. For Turkey cf.: Yavuz Abadan, "Das tuerkische Parteiengesetz", in: Die moderne Demokratie und ihr Recht, Festschrift fuer Gerhard Leibholz, Tuebingen: Mohr-Siebeck, 1966, Vol. 2, pp. 283-304; for Argentina cf.: Tsatsos et. al., loc. cit., p. 528.
188. Tsatsos et. al., loc. cit., p. 528; Rechtlich Ordnung . . ., op. cit., p. 100.
189. Cf. Abadan, op. cit., passim; Similar to the German Basic Law, the constitution of Turkey of 1961 comprises an obligation to the parties for democratic internal structure; ibid., p. 284.
190. Report of the Committee on Political Parties . . ., op. cit., pp. 65-70.
191. Ibid., pp. 70-73.
192. See for instance Schattschneider, op. cit., p. 60; and Burns, op. cit., p. 340.
193. This is the fear of Bracher, for instance, as an effect of a party law; see: Karl Dietrich Bracher, "Demokratie und Parteiwesen zwischen Theorie und Wirklichkeit", Saeculum, Vol. 21 (1970), p. 282.
194. Schattschneider, op. cit., p. 11.
195. Zeuner, op. cit., p. 32.
196. Cf. Erwin Faul, "Verfemung, Duldung und Anerkennung des Parteiwesens in der Geschichte des politischen Denkens", Politische Vierteljahresschrift, Vol. 5 (1964), pp. 60-80.
197. Cf. Bieligk et. al., op. cit., passim.
198. Zeuner, op. cit., p. 28.
199. Renate Mayntz, "Oligarchic Problems . . .", op. cit.; see also her book: Parteigruppen in der Grosstadt. Untersuchungen in einem Berliner Kreisverband der CDU, K8ln: Westdeutscher Verlag, 1959.
200. Lohmar, op. cit., pp. 122f.





201. Mueller, op. cit., p. 92.
202. Zeuner, op. cit., p. 98.
203. Valen and Katz, op. cit., pp. 95ff.
204. Ibid., pp. 96-7.
205. See for instance: Abendroth, op. cit.; Flechtheim, op. cit.; Sontheimer, op. cit.; Juergen Seifert, "Innerparteiliche Opposition", in Frankfurter Hefte, Vol. 15 (1960), pp. 765-72; Juergen Dittberner, "Die Rolle der Parteitage im Prozess der innerparteilichen Willensbildung", Politische Vierteljahresschrift, Vol. 11 (1970), pp. 236-68; Peter Haungs, "Innerparteiliche Demokratie im parlamentarischen Regierungssystem", Civitas, Vol. 4 (1965), pp. 41-62; Haettich, Manfred, "Innerparteiliche Demokratie und politische Willensbildung", Aus Politik und Zeitgeschichte, Vol. 19 (1969), No. 49, pp. 28-48; Friedrich J. Broeder, "Das Problem der innerparteilichen Demokratie in der Bundesrepublik. Verfassung und Verfassungswirklichkeit", Blaetter fuer deutsche und internationale Politik, Vol. 15, (1970), pp. 1165-71; Arthur B. Gunlicks, "Intra-party Democracy in Western Germany: A Look at the Local Level", Comparative Politics, Vol. 2 (1970), pp. 229-49.
206. Cf. Lohmar, op. cit., p. 12.
207. For the programmatic re-orientation cf. especially Wolf-Dieter Narr, CDU - SPD, Programm und Praxis seit 1945, Stuttgart, etc.: Kohlhammer, 1966, passim.
208. For the intra-party opposition in the SPD cf. Gert Boernsen, Innerparteiliche Opposition, Jungsozialisten und SPD, Hamburg: Rung, 1969; and Rudi Schmidt, Michael Baerlein, and Heinz Bonin, Das Blockwahlssystem in der SPD. Zur Herrschaftstechnik des Parteiapparates, Hamburg: Runge, 1970.
209. Lohmar, op. cit., p. 15.
210. Data confirming this integration are provided by: Juan J. Linz, "Cleavage and Consensus in West German Politics: The Early Fifties", in Lipset and Rokkan, eds., op. cit., pp. 283-321.
211. Cf. Myron Weiner and Joseph LaPalombara, "The Impact of Parties on Political Development", in LaPalombara and Weiner, op. cit., pp. 413f.
212. Kurt Georg Kiesinger, Chairman of the party, in his programmatic speech at the CDU, 17. Bundesparteitag, Mainz 17./18. November 1969; Niederschrift, p. 19.
213. Cf. Zeuner, op. cit., p. 31.



214. The Basic Law of the Federal Republic of Germany. Translation published by the Press and Information Office of the German Federal Government, 1969.
215. Cf. Walter Luthmann, "Die innere Ordnung der Parteien nach dem Grundgesetz und ihre Ausfuehrung durch das Parteiengesetz," jur. Diss., Koeln 1961, p. 39. For articles in English to this complex, cf. Carl J. Schneider, "Political Parties and the German Basic Law of 1949", Western Political Quarterly, vol. 10 (1957), pp. 527-40; and Robert W. Miller, "Recent Efforts Toward Legal Regulation of Political Parties in Western Germany", Papers of the Michigan Academy of Sciences, Arts, and Letters, Vol. 47 (1962), pp. 299-310.
216. Cf. Ulrich Duebber, Parteifinanzierung in Deutschland. Eine Untersuchung ueber das Problem der Rechenschaftslegung in einem kuenftigen Parteiengesetz, (Staat und Politik, Vol. 1) K81n: Westdeutscher Verlag 1962, p. 3.
217. This translation is taken from Miller, loc. cit., p. 300.
218. Cf. Konrad Hesse, Grundzuege des Verfassungsrechts der Bundesrepublik Deutschland, Karlsruhe: C.F. Mueller, 1967, p. 71.
219. Duebber, Parteifinanzierung in Deutschland, op. cit., p. 7.
220. The history of the earlier efforts is given by Gerhard Schroeder, Minister of the Interior, when he introduced the draft of 1959 in the Bundestag: Stenographische Berichte des Bundestages, 3.Wahlperiode, 104.Sitzung vom 19.2.1962, p. 5628.
221. Cf. Luthmann, loc. cit., p. 46.
222. Rechtliche Ordnung, op. cit., pp. 162-73.
223. Entwurf eines Gesetzes Über die politischen Parteien (Parteiengesetz), Deutscher Bundestag, 3.Wahlperiode, Drucksache 1509, Anlage 1, cited below: governmental draft of 1959.
224. Entwurf eines Gesetzes Über die politischen Parteien (Parteiengesetz), Antrag der Fraktionen der CDU/CSU, FDP, Deutscher Bundestag, 4.Wahlperiode, Drucksache IV/2853 of December 17, 1964, (cited below: CDU/FDP draft of 1964); and Entwurf eines Gesetzes Über die politischen Parteien (Parteiengesetz), Antrag der Fraktion der SPD, Deutscher Bundestag, 4.Wahlperiode, Drucksache IV/3112 of February 23, 1965, (cited below: SPD draft of 1965).
225. Entscheidungen des Bundesverfassungsgerichts, Vol. 20, 1966, Nr. 56, pp. 96ff. For the critics see among others especially: Dimitris T. Tsatsos, "Die Urteile des Bundesverfassungsgerichts vom 19.Juli 1966 zur Frage der Zulaessigkeit staatlicher Parteienfinanzierung", Zeitschrift fuer auslaendisches oeffentliches Recht und Voelkerrecht, Vol. 26 (1966), pp. 371-89; and in a more general concern: Gerhard Jahn, "Die Parteien--nur Wahlvorbereitungsorganisationen?" Neue Gesellschaft, Vol. 14 (1967), pp. 267-73.





226. Cf. Duebber, Parteienfinanzierung, op. cit., p. 859; the SPD relied, at that time, only to 26% on state financing.
227. Entwurf eines Gesetzes Über die politischen Parteien (Parteiengesetz), Antrag der Fraktionen der CDU/CSU, SPD, FDP, Deutscher Bundestag, 5.Wahlperiode, Drucksache V/1339 of Jan. 26, 1967, (cited below: all-party draft of 1967).
228. Cf. Entscheidungen des Bundesverfassungsgerichts, Vol. 24, 1969, pp. 300-63; the annual reports of two years have appeared so far, in: Bundesanzeiger, Vol. 21 of Oct. 21, 1969, No. 196; and Vol. 22, No. 230 of Dec. 10, 1970.
229. Rupert Breitling, "Offene Partei--und Wahlfinanzierung. Kritische Bemerkungen zum Parteiengesetz von 1967," Politische Vierteljahresschrift, Vol. 9 (1968), p. 224; for the legal aspects of the party law cf. especially: Gerhard Leibholtz, "Zum Parteiengesetz von 1967", in Festschrift fuer Adolf Arndt, Frankfurt a.M.: 1969, pp. 179-97; and Ulrich Scheuner, "Parteiengesetz und Verfassungsrecht", Die Oeffentliche Verwaltung, Vol. 21 (1968), No. 3-4, pp. 88-94.
230. This concerns especially: Kurt Sontheimer, Report Delivered at the Public Hearing of the Committee on the Interior, Stenographisches Protokoll Über die 56.Sitzung des Innenausschusses des Deutschen Bundestages, 21.April 1967, Protokoll Nr. 56, p. 8-11; and "Zum Parteiengesetzen wurf, Kritische Stellungnahme und Gegenvorschlaege von 16 Politologen, Sozialwissenschaftlern und Juristen an der Freien Universität Berlin", Die Oeffentliche Verwaltung, Vol. 20 (1967), pp. 256-8; cf. also Juergen Dittberner, "Zwischen Karlsruher Urteil und Parteiengesetz", Der Politologe, Vol. 7 (1966), No. 21, pp. 6-9; and Udo Bernbach, "Einwaende zum Parteiengesetz", Der Politologe, Vol. 8 (1967), Nr. 23, pp. 9-12; all these authors are political scientists in West Berlin.
231. Gesetz Über die politischen Parteien (Parteiengesetz) vom 27.Juli 1967, in: Bundesgesetzblatt, Teil I, 1967, No. 44 of July 27, 1967; the amendments necessitated by the decision of the Constitutional Court of December 1968 are given in: Gesetz vom 22.Juni 1969, Bundesgesetzblatt, Teil I, Nr. 65 of July 26, 1969.
232. Cf. Parteiengesetz, 10, "Rechte der Mitglieder".
233. "Christlich-Soziale Union".
234. See the interview schedule in the appendix.
235. Bruno Heck, CDU, Hans-Juergen Wischnewski, SPD, and Hans Friedrichs, FDP, now state secretary in Rhineland-Palatinate.





236. Konrad Kraske, CDU; to that time also managing secretary of the CDU, Ernst Benda, CDU, in 1967 Parliamentary State Secretary in the Ministry of the Interior, later Minister of the Interior; Hermann Schmitt-Vockenhausen, SPD, 1967 chairman of the committee on internal affairs, now Vice-president of the Bundestag; Konrad Porzner, SPD, finance expert of the parliamentary party of the SPD; and Wolfram Dorn, FDP, now Parliamentary State Secretary in the Ministry of the Interior.
237. Juergen Echternach, of the Junge Union, CDU; Karsten Voigt, of the Jungsozialisten, SPD; and Heiner Bremer of the Jungdemokraten, FDP.
238. The interviews were conducted between January 20 and March 15, 1971. Kraske, Porzner, Echternach, and Voigt were interviewed personally, the others by mail.
239. Cf. Ute Mueller, op. cit., passim.
240. Cf. Zeuner, op. cit., part IV, pp. 66ff.
241. Cf. Parteitag der SPD, 17-21. March 1968, Protokoll der Verhandlungen, pp. 637ff.
242. Wischnewski, answering my question No. 6a.
243. Wischnewski and Porzner, answering my question No. 4a.
244. Cf. FDP, 19. Bundesparteitag, Freiburg 29.-31. Jan. 1968, Stenographisches Protokoll, paragraphs E 1 - E 77.
245. Bremer, answering my question No. 6a.
246. Friedrichs, to question No. 4a: Dorn to question No. 5a.
247. CDU, 15. Bundesparteitag, Braunschweig, 22./23. Mai 1967, Niederschrift, pp. 61-109, 147-176; and CDU, 16. Bundesparteitag, Berlin, 4. - 7. Nov. 1968, Niederschrift, pp. 417-38.
248. See the discussion at the CDU, 15. Bundesparteitag, Braunschweig, op. cit., pp. 85-103; "Blockwahl" means that in an election of several members to a party body, carried through by one ballot, the ticket is only valid, if neither more nor less candidates than there are offices to be filled are checked off; cf. Schmidt et. al., op. cit., passim.
249. See the discussion at the CDU, 16. Bundesparteitag, Berlin, op. cit., pp. 429-36.
250. Answering my question No. 6.
251. Kraske, CDU, answering my question No. 4a.



252. Party law, sec. 1.2.
253. Barnes, op. cit., p. 240.
254. Party law, sec. 10.1.
255. The appeal was proposed by the report, Rechtliche Ordnung . . ., op. cit., p. 164; both possibilities are demanded by the political scientists of Berlin, "Zum Parteiengesetz-Entwurf . . . ", op. cit., p. 256.
256. Organisationsstatut, Schiedsordnung der SPD vom 21. Maerz 1968, (cited below: SPD statute 1968), sec. 3.3.; Statut der Christlich Demokratischen Union Deutschlands vom 7. Nov. 1968, (cited below: CDU statute 1968), sec. 5.3.
257. Rechtliche Ordnung . . ., op. cit., p. 164.
258. Rechtliche Ordnung . . ., op. cit., p. 165.
259. Party law, sec. 11.4.
260. Freie Demokratische Partei, Satzung beschlossen auf dem XIV. Bundesparteitag in Muenchen, 1963, (cited below: FDP statute 1963), sec. 7.1.
261. SPD statute 1968, sec. 36.3; CDU statute 1968, sec. 11; Freie Demokratische Partei, Satzung Vom 1. Febr. 1968, (cited below: FDP statute 1968) sec. 6.2.
262. Party law, sec. 10.5.
263. Cf. Organisationsstatut der SPD, Stand: 4. Juni 1966, (cited below: SPD statute 1966), sec. 28, and SPD Schiedsordnung, part VII; FDP statute 1963, sec. 7.3, and FDP statute 1968, sec. 25, together with FDP Bundesschiedsordnung.
264. Cf. Statut der CDU, Stand: 23. Maerz 1966, (cited below: CDU statute 1966), sec. 8.5; and CDU statute 1968, sec. 11.3.
265. Party law, sec. 14.2.
266. SPD statute 1966, sec. 27.4.
267. SPD statute 1968, sec. 35.5.
268. CDU, Parteigerichtsordnung vom 28. Sept. 1959, sec. 5.
269. Motion accepted at the party convention of Berlin, 1968, see: CDU 16. Bundesparteitag, op. cit., p. 418.



270. FDP statute 1963, sec. 22.1.
271. FDP statute 1968, sec. 7.4.
272. For instance Porzner, SPD, answering my question No. 6a.
273. Party law, sec. 15.2.
274. SPD statute 1968, sec. 24.9.
275. CDU statute 1968, sec. 43.1.
276. CDU statute 1966, sec. 36.
277. FDP statute 1963, sec. 14.3; and: Geschaeftsordnung zur Bundessatzung der FDP vom 1. Febr. 1968, sec. 4.1.
278. Kraske, CDU, answering my question No. 4a.
279. Porzner, SPD, answering my question No. 4a.
280. Schmitt-Vockenhausen, answering my question No. 7a.
281. Cf. "Zum Parteiengesetz-Entwurf . . .", op. cit., p. 257; and Sontheimer, Report . . ., op. cit., p. 8.
282. Party law, sec. 6.2(11).
283. FDP statute 1963, sec. 35; FDP statute 1968, sec. 34.
284. Hermann Marx in a personal interview on March 25, 1971 in the Ministry of the Interior, Bonn.
285. SPD statute 1968, sec. 37-40.
286. Cf. Albrecht Kaden, Einheit oder Freiheit. Die Wiedergruendung der SPD 1945/46, Hannover: Dietz 1965, pp. 233ff.
287. Party law, sec. 15.3.
288. Dittberner, "Die Rolle der Bundesparteitage . . .", loc. cit., p. 265.
289. Wolfgang Steiner, SPD-Parteitage 1964 und 1966. Analyse und Vergleich. (Marburger Abhandlungen zur Politischen Wissenschaft, Vol. 15) Meisenheim: Hain 1970, p. 30.
290. Ibid., p. 58.
291. Ibid., p. 59.
292. Dittberner, "Die Rolle der Bundesparteitage . . .", loc. cit., p. 264.





293. FDP statute 1963, sec. 29.1; FDP Geschäftsordnung 1968, sec. 7.1.
294. Party law, sec. 16.
295. CDU statute 1966, sec. 15; CDU statute 1968, sec. 24.
296. Gerhard Jahn, pleading in support of the statutory changes, proposed by the "Satzungskommission", Parteitag der SPD, 17.-21. März 1968 in Nuernberg, Protokoll der Verhandlungen, p. 642; cf. also Zeuner, op. cit., p. 50.
297. Cf. Naschold, Organisation und Demokratie, op. cit., pp. 71ff.
298. Party law, sec. 8.1.
299. FDP statute 1963, sec. 13.2b; FDP statute 1968, sec. 14.3.
300. SPD statute 1966, sec. 10.1.
301. SPD statute 1968, sec. 17.1.
302. Cf. Mueller, op. cit., p. 44; and Dittberner, Juergen, "Die Bundesparteitage der CDU und der SPD von 1946--1968. Eine Untersuchung der Funktionen von Parteitag", Diss. Berlin 1969, p. 134.
303. CDU statute 1966, sec. 20.1.
304. CDU statute 1968, sec. 28.1.
305. Cf. Mueller, op. cit., pp. 42f; Dittberner, Bundesparteitage . . . , op. cit., p. 134.
306. Dittberner, "Bundesparteitage" . . . , loc. cit., p. 134.
307. Cf. Mueller, op. cit., p. 42.
308. Cf. the discussion at: CDU, 16. Bundesparteitag, Berlin 1968, op. cit., pp. 428-35, 422f; CDU statute 1968, sec. 28.4.
309. Party law, sec. 13.
310. FDP statute 1963, sec. 13.7; FDP statute 1968, sec. 14.1, 2.
311. Cf. Dittberner, "Bundesparteitage" . . . , loc. cit., p. 131; CDU statute 1966, sec. 20; CDU statute 1968, sec. 28.
312. Party law, sec. 8.2.
313. Zeuner, op. cit., p. 57.
314. Cf. Ernst Eckstein, loc. cit., p. 169.



315. Mueller, op. cit., p. 30; SPD statute 1968, sec. 17.1.
316. Cf. Mueller, op. cit., p. 33.
317. Cf. Zeuner, op. cit., p. 58.
318. FDP statute 1963, sec. 19.1; FDP statute 1968, sec. 14.1.
319. Cf. Zeuner, op. cit., p. 58.
320. Party law, sec. 11.2.
321. Cf. Zeuner, op. cit., p. 60.
322. Ernst Eckstein, loc. cit., p. 171; Edelstein, loc. cit., p. 28.
323. Cf. Resolutionen des Bundeskongresses der Jungsozialisten, Muenchen, Dec. 1969, p. 1.
324. Only in the debate on the new FDP statute, an election of delegates to the federal party convention by proportional representation was demanded, but unsuccessfully; cf. 19.Bundesparteitag der FDP, Freiburg 1968, pp. E 22-31.
325. CDU statute 1968, sec. 29.b.
326. FDP statute 1968, sec. 19.1.
327. CDU statute 1968, sec. 31.a; FDP statute 1968, sec. 18.
328. Cf. Mueller, op. cit., p. 31.
329. Party law, sec. 12.2.
330. Cf. Mueller, op. cit., pp. 31f.
331. SPD statute 1966, sec. 22; SPD statute 1968, sec. 29.
332. See table 5; CDU 1966 statute, sec. 22.a; FDP statute 1963, sec. 16.1; and CDU statute 1968, sec. 30.a; FDP statute 1968, sec. 16.
333. Zeuner, op. cit., p. 61.
334. Cf. Sontheimer, Report, op. cit., p. 7; "Zum Parteiengesetz-Entwurf", op. cit., p. 257; Zeuner, op. cit., p. 57, Mueller, op. cit., passim.
335. Sontheimer, Report, op. cit., p. 7, "Zum Parteiengesetz- Entwurf", op. cit., p. 256.
336. Ibid.



337. Hermann Schmitt-Vockenhausen, answering my question No. 9.
338. Karsten Voigt, answering my question No. 9: "In der gegenwaertigen Situation koennte diese Einrichtung dazu genutzt werden, dass Parteivorstaende durch Appell an die Mitgliedschaft kritische Delegiertengruppen mit Hilfe einer vorwiegend buergerlichen Oeffentlichkeit zu umgehen versuchen."
339. Sontheimer, Report, op. cit., p. 7.
340. Cf. "Zum Parteiengesetz-Entwurf", op. cit., p. 257; and "Resolutionen", Jungsozialisten, Muenchen 1969, op. cit., p. 1.
341. "Resolutionen", op. cit., p. 2.
342. This is the consequence of the demands for proportional election of delegates, made at the FDP party convention, cf. below, note 324.
343. "Resolutionen", Jungsozialisten, Muenchen 1969, op. cit., pp. 1-2.
344. Heiner Bremer, answering my additional question.
345. In the SPD, in the "Ortsverein Altstadt" in Bremen, cf. "Front gegen die Jusos", in Der Spiegel, March 3, 1971, p. 27, and, by oral information by Karsten Voigt, in an Ortsverein of Frankfurt; in the FDP at not clearly indicated local branches, according to an oral information by the Bundesgeschaefsstelle, Bonn.
346. Wischnewski, SPD, answering my question No. 6a.
347. Of the interviewed politicians, the following stated similar thoughts Schmitt-Vockenhausen, SPD, Kraske, CDU, and Porzner, SPD.
348. Cf. "Partei-Ausschluesse: Sicherlich Widerspruch", in Der Spiegel, No. 40 of Sept. 28, 1970, p. 46.
349. "Beschluesse des Bundeskongresses der Jungsozialisten, Bremen 11.-13. Dezember 1970," in JS.Magazin, January 1971, p. 33-34.
350. Stellungnahmen des SPD-Parteivorstandes zu den Beschluesen des Bundeskongresses der Jungsozialisten, Hrsg. Vorstand der SPD, Bonn, March 1971, p. 37.
351. Heck, answering my additional question; and Benda, idem.
352. Oral informations by the Bundesgeschaefsstellen of all three parties, and by deputies' assistants.





## INTERVIEW SCHEDULE

The Impact of Institutional Devices on Intra-Party Democracy

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Bonn, den . . . . .

1. Der Verabschiedung des Parteiengesetzes im Jahre 1967 sind mehrere Entwürfe innerhalb von 18 Jahren vorausgegangen, bis der Auftrag des Grundgesetzes erfüllt werden konnte. Worauf ist diese lange Arbeitszeit zurückzuführen?
  
2. Der Verfassungsauftrag des Grundgesetzes in Artikel 21 lautet: "(die) innere Ordnung (der Parteien) muss demokratischen Grundsätzen entsprechen". Glauben Sie, dass diese Norm von den im Bundestag vertretenen Parteien voll erfüllt wird?
  - 1) ja, voll erfüllt ( )
  - 2) im Großen und Ganzen ( )
  - 3) nein, nicht erfüllt ( )
  
- 2a. Inwiefern?
  
3. Das Parteiengesetz hat mehrere Teile. Die wesentlichen sind: die innere Ordnung der Parteien, die Erstattung von Wahlkampfkosten und die Rechenschaftslegung der Parteien. Welchen davon würden Sie persönlich als den wichtigsten und welchen als den politisch am kontroversesten halten?
 

1) innere Ordnung	am wichtigsten ( )	am meisten kontrovers ( )
2) Wahlkampfkosten	" ( )	" ( )
3) Rechenschaftslegung	" ( )	" ( )



3a. Warum sagen Sie das?

4. Hat der Teil über die innere Ordnung der Parteien mehr die bestehende Praxis normiert, oder hat man versucht, weitergehende Gedanken verbindlich zu machen?

1) bestehende Praxis normiert ( )

2) weitergehende Gedanken verwirklicht ( )

4a. Wenn (2), welche weitergehenden Gedanken?

5. Das Parteiengesetz sollte sicher der Intention nach einen Kompromiss zwischen den Kompetenzen der Vorstände und den demokratischen Rechten der Mitglieder finden. Glauben Sie, dass eine Seite durch das Parteiengesetz gestärkt worden ist?

1) nein ( )

2) ja, die Vorstände ( )

3) ja, die Mitglieder ( )

5a. Wenn ja, wodurch sind die Vorstände (Mitglieder) gestärkt worden?

6. Ist die Satzung Ihrer Partei innerhalb der Zeit, die im Gesetz vorgesehen war (bis Januar 1969), aufgrund des Parteiengesetzes verändert worden?

1) nein ( )

2) ja ( )



6a. Wenn ja, was ist geändert worden?

6b. Wissen Sie, ob es Satzungsänderungen bei den anderen Parteien gegeben hat?

1) nein ( )

2) ja ( )

6c. Wenn ja, welche?

7. Glauben Sie, dass die allgemein spürbare, mehr oder weniger stark ausgeprägte innerparteiliche Opposition von Jugend und Studentenorganisationen der Parteien durch das Parteiengesetz eher gestärkt worden ist?

1) ja, gestärkt ( )

2) nur bedingt ( )

3) nicht gestärkt ( )

7a. Worauf führen Sie das zurück?

8. Es hat vor der Verabschiedung Diskussion und Kritik am Entwurf gegeben. So wurde im Hearing des Innenausschusses einerseits verlangt, "man sollte die spontane, innere, autonome Rechtsentwicklung dieser Vereinigungen möglichst frei lassen", während von anderer Seite noch mehr und detailliertere Vorschriften besonders zur inneren Ordnung gefordert wurden. Welcher der beiden Ansichten schließen Sie sich an?

1) weniger Normen ( )

2) mehr Normen ( )





8a. Warum sagen Sie das?

9. Würden Sie mir bitte sagen, wie Sie zu den folgenden konkreten Vorschlägen, die auf dem Hearing gemacht wurden, stehen? Stimmen Sie den einzelnen Punkten jeweils zu, halten Sie sie für diskussionswürdig, oder lehnen Sie sie ab?

- |   |                   |     |
|---|-------------------|-----|
| 1) Es sollte in den Parteien nicht mehr als drei Delegationsstufen geben.                     | zustimmend        | ( ) |
|   | diskussionswürdig | ( ) |
|   | ablehnen          | ( ) |
| 2) Wahlen in der Partei, bzw. Parteitage sollten jährlich stattfinden.                        | +                 | ( ) |
|   | +/-               | ( ) |
|   | -                 | ( ) |
| 3) Auf den Parteitagen sollten nur gewählte Delegierte Stimmrecht haben.                      | +                 | ( ) |
|   | +/-               | ( ) |
|   | -                 | ( ) |
| 4) Für besondere politische Fragen sollte die Möglichkeit der Urabstimmung geschaffen werden. | +                 | ( ) |
|   | +/-               | ( ) |
|   | -                 | ( ) |

10. Abschließend möchte ich Sie fragen, wie Sie ganz allgemein die Wirkungsmöglichkeiten gesetzlicher Regelungen einschätzen, besonders auf einem so schwierigen Gebiet wie der innerparteilichen Demokratie. Kann man mit solchen Mitteln die Chancen der Demokratie erweitern? Kann ein Parteiengesetz, das international in Deutschland bisher einzig dasteht, deshalb auch in anderen Ländern sinnvoll sein, oder ist es ganz auf die deutsche, doch sehr legalistische Tradition zugeschnitten?



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